

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT  
THE AMERICAN FISHERIES ACT (AFA) VESSEL AND PROCESSOR  
PERMIT APPLICATIONS  
OMB NO. 0648-0393**

**INTRODUCTION**

NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under the FMPs for groundfish in the respective areas. With Federal oversight, the State of Alaska (State) manages the commercial king crab and Tanner crab fisheries in the BSAI and the commercial scallop fishery off Alaska under the FMPs for those fisheries. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs under the authority of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600. On October 21, 1998, the President signed into law The American Fisheries Act (AFA) which imposed major structural changes on the BSAI pollock fishery which is managed by NMFS, Alaska Region.

**JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

In response to the AFA, NMFS developed a management program for BSAI pollock which includes a set of permits for AFA catcher/processors, AFA catcher vessels, AFA inshore processors, and AFA motherships. The permits were originally issued as interim permits, but now are issued as final permits with an indefinite expiration date except for the annual Inshore Cooperative Permit. Inshore catcher vessel cooperatives wishing to receive an allocation of the BSAI inshore pollock TAC are required to submit an application for an inshore cooperative fishing permit on an annual basis by December 1 of the year prior to the year in which the cooperative fishing permit will be in effect. The information must be collected once a year because NMFS must identify the universe of participating vessels and processors prior to the start of each fishing year in order to assign allocations of pollock TAC to eligible groups of vessels that form cooperatives. A permit application is also available for replacement of an AFA vessel.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

a. Application for AFA Catcher Vessel Permits

All applications for an AFA catcher vessel permit were required to be submitted by December 1, 2000. A catcher vessel qualified to deliver BSAI pollock to an AFA catcher/processor or to one or both a mothership or inshore processor. A separate application was required for each associated mothership or inshore processor.

BLOCK A - Vessel information

Vessel name  
Alaska Department of Fish and Game (ADF&G) Vessel Registration Number  
U.S. Coast Guard (USCG) documentation number  
Vessel telephone number (if any)  
Gross tons, shaft horsepower, and registered length (in feet)

BLOCK B - Owner information

Owner name(s) and signatures (Signatures moved from Block F—Certification)  
Social security number (voluntary) or tax identification number of owner  
Complete permanent business mailing address, including state and zip code  
Business telephone, FAX number, and E-mail address of vessel owner  
Managing company name (if applicable)

BLOCK C - Vessel AFA qualification information

Indicate the AFA catcher vessel permit sector endorsement(s) requested.

Catcher vessel delivering to AFA Catcher/processors

1. Is this vessel listed by name in the AFA Section 208(b)? (Indicate YES or NO).
2. If NO, in 1997 did this vessel deliver at least 250 mt of BSAI pollock and at least 75 percent of it's 1997 BSAI pollock catch to offshore catcher/processors? (Indicate YES or NO).

Catcher vessel delivering to AFA Motherships

1. Is this vessel listed by name in the AFA Section 208(c) ? (Indicate YES or NO).
2. If NO, did this vessel deliver at least 250 mt of BSAI pollock to AFA listed motherships in 1996, or 1997, or between January 1 through September 1, of 1998? (Indicate YES or NO).

Catcher vessel delivering to AFA Inshore processor

1. Did this vessel deliver to inshore processors at least 250 mt of pollock harvested in the BSAI directed pollock fishery in 1996, or 1997, or between January 1 through September 1, of 1998? (Indicate YES or NO).
2. If NO, is this vessel less than 60 feet LOA, and did it deliver to inshore processors at least 40 mt of BSAI pollock in 1996, or 1997, or between January 1 through September 1, of 1998? (Indicate YES or NO).

BLOCK D - Vessel Crab Activity Information Required for Crab Sideboard Endorsements [rev]

To participate in any BSAI king or Tanner crab fishery, indicate the AFA crab sideboard endorsement(s) requested. This endorsement authorizes the catcher vessel to retain that crab species. Each requested endorsement must be documented.

Did this vessel make one or more legal landings in the following BSAI directed crab fisheries in the years indicated? Indicate YES or NO.

1. Bristol Bay red king crab (BBRKC). Any BSAI king or Tanner crab species in 1996, 1997, **or** on or before February 7, 1998?
2. St. Matthew Island blue king crab in 1995, 1996, **or** 1997?
3. Pribilof Islands red and blue king crab in 1995, 1996, **or** 1997?
4. Aleutian Islands (Adak) brown king crab in the 1997/1998 **and** 1998/1999 fishery?
5. Aleutian Islands (Adak) red king crab in the 1995/1996 **and** 1998/1999 fishery?
6. *Chionoecetes (C.) opilio* Tanner crab in each of four or more years from 1988-1997?
7. *C. bairdi* Tanner crab in 1995 **or** 1996?

Exemption to crab harvesting sideboards [new].

If requesting an exemption to crab harvesting sideboards, the owner must provide supporting documentation that the catcher vessel made a legal landing of crab in every BBRKC, *Opilio* Tanner crab, and *Bairdi* Tanner crab fishery opening from 1991 to 1997

BLOCK E - Vessel exemptions from AFA catcher vessel groundfish sideboard directed fishing closures [rev]

To obtain an exemption from certain groundfish sideboard directed fishing closures, indicate exemptions requested. You must provide supporting documentation that the catcher vessel qualifies for the exemption based on the criteria set out below.

1. GOA groundfish species. Does your catcher vessel qualify for an exemption from AFA catcher vessel sideboards in the GOA groundfish fisheries, as indicated below? Indicate YES or NO:

Catcher vessel is less than 125 ft (38.1 m) LOA

Catcher vessel has landed a combined total of less than 5,100 mt of BSAI pollock in the BSAI directed pollock fishery from 1995 through 1997

Catcher vessel has made 40 or more legal landings of GOA groundfish in a directed fishery for GOA groundfish from 1995 through 1997

2. BSAI Pacific cod. Does your catcher vessel qualify for an exemption from AFA catcher vessel sideboards in the

BSAI Pacific cod fishery, as indicated below? Indicate YES or NO:

Catcher vessel is less than 125 ft (38.1 m) LOA

Catcher vessel has landed a combined total of less than 5,100 mt of BSAI pollock in the BSAI directed pollock fishery from 1995 through 1997

Catcher vessel has made 30 or more legal landings of Pacific cod in the BSAI directed fishery for Pacific cod from 1995 through 1997

BLOCK F— Certification of applicant and notary [removed]

The requirement for a notary is removed. The signature of the owner is moved to Block B

<b><u>Application for AFA Catcher Vessel Permits, Respondent</u></b>	
Estimated number of respondents	0
Estimated hours per response	2
<b>Total response hours</b>	<b>0</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b><u>Application for AFA Catcher Vessel Permits, Federal Government</u></b>	
Estimated number of respondents	0
Estimated hours per response	1
<b>Total response hours</b> (242/4)	<b>0</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>0</b>

**b. Application for AFA Permit for Replacement Vessel**

In the event of the actual total loss or constructive total loss of an AFA catcher vessel, AFA mothership, or AFA catcher/processor, the vessel's owner may replace the vessel. The replacement vessel will be eligible in the same manner as the original vessel after submission and approval of an application for an AFA replacement vessel:

**BLOCK A - Identification & ownership of Lost AFA eligible Vessel (rev)**

Lost Vessel

Vessel name  
ADF&G vessel registration number,  
USCG documentation number  
AFA permit number  
Gross tons, shaft horsepower, and registered length from USCG documentation  
Indicate the last year in which this vessel harvested or processed pollock in a BSAI directed pollock fishery  
Description of how the vessel was lost or destroyed?  
Attach a USCG form 2692 or insurance papers to verify the claim.

Owner of lost vessel (new)

Owner(s) name; if more than one owner, primary owner first  
Social security (voluntary) or Tax ID number of owner  
Business mailing address, telephone number, FAX number, and E-mail address

**BLOCK B - Identification & ownership of replacement vessel**

Replacement Vessel

Vessel name  
ADF&G vessel registration number  
USCG documentation number  
Gross tons, shaft horsepower, registered length, net tons from USCG documentation  
Length overall (in feet)  
Federal Fisheries Permit number  
Indicate YES or NO whether the vessel was built in the U.S.  
Indicate YES or NO whether the vessel has ever been rebuilt  
If YES, whether rebuilt in the United States?

Owner of replacement vessel

Owner(s) name; if more than one, primary owner first  
Social security (voluntary) or Tax ID number  
Business mailing address, telephone number, FAX number, and E-mail address

**BLOCK C - Certification of applicant and notary**

Signature and printed name of owner(s) and date of signature(s)  
Signature and notary stamp or seal of notary public  
Date notary commission expires

<b><u>Application for AFA Permit for Replacement Vessel, Respondent</u></b>	
Total annual responses	1
Estimated hours per response	0.5
<b>Total burden hours</b>	<b>0.5</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b> (0.5 x \$25=\$12.50)	<b>\$13</b>
Annual postage (.35 x 1=0.35)	\$1
Annual photocopy (2 x .10 x 1=0.20)	\$1
Annual notary public (5 x 1)	\$5
<b>Total miscellaneous cost</b>	<b>\$7</b>

<b><u>Application for AFA Permit for Replacement Vessel, Federal Government</u></b>	
Total annual responses	1
Estimated hours per response	1
<b>Total burden hours</b>	<b>1</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>\$25</b>

### c. **Application for AFA Inshore Catcher Vessel Cooperative Permit**

Inshore catcher vessel cooperatives wishing to receive an allocation of the BSAI inshore pollock TAC are required to submit an application for an inshore cooperative fishing permit on an annual basis by December 1 of the year prior to the year in which the cooperative fishing permit will be in effect. NMFS will issue an AFA inshore cooperative fishing permit to a cooperative formed pursuant to 15 U.S.C. 521 upon receipt of a complete application. Application must be received by NMFS by December 1 of the year prior to the year for which the co-op permit will be in effect.

NMFS must collect the information once a year to identify the universe of participating vessels and processors prior to the start of each fishing year. This is done in order to assign allocations of pollock TAC to eligible groups of vessels that form cooperatives.

#### (1) **Designated Representative** (rev).

Each cooperative must appoint a designated representative to fulfill regulatory requirements on behalf of the cooperative including, but not limited to, filing of cooperative contracts, filing of annual reports (see OMB No. 0648-0401), signing cooperative fishing permit applications, completing and submitting inshore catcher vessel pollock cooperative catch reports (see OMB No. 0648-0401). The designated representative is the primary contact person for NMFS on issues relating to the operation of the cooperative.

#### (2) **Fishery Cooperative Contracts** (rev).

Each cooperative annually must submit to the North Pacific Fisheries Management Council (Council):

- A signed copy of their fishery cooperative contract
- Any material modifications to any such contract



A copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the U.S. Department of Justice and any response to such request.

Contract elements (rev)

All cooperative contracts formed for the purpose of managing directed fishing for pollock in the BSAI must include:

A list of parties to the contract

A list of all vessels and processors that will harvest and process pollock harvested under the cooperative

The amount or percentage of pollock allocated to each party to the contract.

Specify a designated representative and agent for service of process (new)

Include a contract clause under which the parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery that are not landed in the State of Alaska, in amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law (new)

Additional required elements in all fishery cooperatives that include AFA catcher vessels (rev)

Include adequate provisions to prevent each non-exempt member catcher vessel from exceeding an individual vessel sideboard limit for each BSAI or GOA sideboard species or species group that is issued to the vessel by the cooperative in accordance with the following formula:

The aggregate individual vessel sideboard limits issued to all member vessels in a cooperative must not exceed the aggregate contributions of each member vessel towards the overall by the cooperative to monitor fisheries in which cooperative vessels participated;

A description of any actions taken by the cooperative in response to any vessels that exceed their allowed catch and bycatch in pollock and all sideboard fisheries

The total weight of pollock landed outside the State of Alaska on a vessel-by-vessel basis.

(3) Renewal letter (new)

If a cooperative contract was previously filed with NMFS and the Council, then a renewal letter may be submitted to NMFS and the Council by the filing deadline in lieu of the cooperative contract and business review letter. The renewal letter must:

Provide notice that the previously filed cooperative contract will remain in effect for the subsequent fishing year.

Detail any material modifications to the cooperative contract that have been made since the last filing including, but not limited to, any changes in cooperative membership.

(4) Permit application (rev)

BLOCK A - Cooperative Contact Information.

Co-op name

Name of Co-op representative (designated representative)

Co-op business mailing address (P.O. Box or street, city, state, zip code)

Co-op business telephone number, FAX number, and E-mail address

BLOCK B - Designated Cooperative Processor Information [rev]

Name and physical location of AFA Inshore Processor

Federal processor permit number

BLOCK C - Cooperative contract information (rev)

Indicate YES or NO to indicate attachments are included

(1) a copy of the cooperative contract and

(2) a written certification that:

The contract was signed by the owners of at least 80 percent of the qualified catcher vessels;

- The cooperative contract requires that the cooperative deliver at least 90 percent of its BSAI pollock catch to its designated AFA processor; and
- Each catcher vessel in the cooperative
- is a qualified catcher vessel
  - is otherwise eligible to fish for groundfish in the BSAI
  - has an AFA catcher vessel permit with an inshore endorsement
  - has no permit sanctions or other type of sanctions against it that would prevent it from fishing for groundfish in the BSAI;
- (3) A copy of a letter requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request

**BLOCK D - Vessel Information**

List complete information for each Co-op member catcher vessel (attach additional pages if necessary).

- Vessel name as displayed in official documentation.
- ADF&G Vessel Registration Number (example: 51233).
- U.S. Coast Guard Documentation Number (example: 566722)
- AFA Permit Number.

**BLOCK E - Certification of notary and applicant (rev)**

- Signature and printed name of co-op representative and date of signature
- Signature and notary stamp or seal of notary public
- Date commission of notary public expires

<b><u>AFA Inshore Catcher Vessel Cooperative Permit Application, Respondent</u></b>	
Total annual responses	8
Estimated hours per response	2.5
<b>Total burden hours</b>	<b>20</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>\$500</b>
Annual postage (.35 x 8=2.80)	\$3
Annual photocopy (2 x .10 x 8=1.60)	\$2
Annual notary public (5 x 8)	\$40
<b>Total miscellaneous cost</b>	<b>\$45</b>

<b><u>AFA Inshore Catcher Vessel Cooperative Permit Application, Federal Government</u></b>	
Total annual responses	8
Estimated hours per response	1
<b>Total burden hours</b>	<b>8</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>\$200</b>

**d. AFA mothership permit application**

A mothership who wishes to process pollock harvested by a fishery cooperative must apply for and receive a cooperative processing endorsement on the vessel's AFA mothership permit.

**BLOCK A - Mothership information (rev)**

- Whether requesting an AFA cooperative endorsement, indicate YES or NO (new)
- If YES, complete Block C

Mothership name  
 ADF&G processor code  
 USCG documentation number  
 Federal fisheries permit number  
 Gross tons, shaft horsepower, and registered length (feet)

**BLOCK B - Ownership Information (rev)**

Owner name(s) and signature(s). If more than one owner, list principal owner first  
 Social security number (voluntary) or tax identification number of owner  
 Business mailing address, including state and zip code  
 Business telephone number, FAX number, and E-mail address  
 Managing company name (if any), that manages the operations of the processor.

**BLOCK C - AFA crab facility ownership information (rev)**

***If a change occurs in any of the information provided in Block C, submit an amended application to NMFS within 30 days of the date of the change.***

Complete this block if applying for a cooperative pollock processing endorsement.

Name and type of facility

ADF&G processor code

Percentage of ownership or control of each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA mothership;

Printed name and signature of owner certifying authorization of public release of the 1995-1998 total processing history of each BSAI king and Tanner crab species.

<b><u>Application for AFA Mothership Permit, Respondent</u></b>	
<b><i>Total annual responses are for 2003 only: thereafter no expiration date</i></b>	<b>3</b>
Estimated hours per response	2
<b>Total response hours (3x2)</b>	<b>6</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>\$150</b>
Annual postage (.35 x 3=1.05)	\$1
Annual photocopy (2 x .10 x 3=0.60)	\$1
<b>Total miscellaneous cost</b>	<b>\$2</b>

<b><u>Application for AFA Mothership Permit, Federal Government</u></b>	
<b><i>Total annual responses are for 2003 only: thereafter no expiration date</i></b>	<b>3</b>
Estimated hours per response	1
<b>Total response hours (3x2)</b>	<b>3</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>\$75</b>

**e. AFA inshore processor permit**

The owner of an AFA inshore processor who wishes to process pollock harvested by a fishery cooperative must apply for and receive a cooperative processing endorsement on the AFA inshore processor permit.

**BLOCK A - AFA Inshore Processor information**

Indicate whether applying for a cooperative processing endorsement on the AFA inshore processor permit

IF YES, complete Block E.

Indicate type of permit requested, restricted or unrestricted processor.

**BLOCK B - Stationary Floating Processor Information**

Stationary Floating Processor name

ADF&G processor code

USCG documentation number

Federal processor permit number

Gross tons, shaft horsepower, and registered length (feet) from USCG documentation

Onboard business telephone number, FAX number, and e-mail address

**BLOCK C - Shoreside Processor Information**

Shoreside processor name

ADF&G processor code

Federal processor permit number

Business street address, including street number, city, state and zip code

Business telephone number, FAX number, and E-mail address

**BLOCK D - OWNERSHIP INFORMATION**

Name of owner(s)

SSN (voluntary) or Tax ID number

Business mailing address

Business telephone number, FAX number, and e-mail address

Managing company, if any

**BLOCK E - AFA CRAB FACILITY OWNERSHIP INFORMATION**

Complete Block E if applying for a cooperative pollock processing endorsement.

***If a change occurs in any of the information provided, submit an amended application to NMFS within 30 days of the date of the change.***

If applying for a cooperative pollock processing endorsement, list the following for each AFA crab facility: Attach additional sheets, if necessary, to list all entities and facilities.

Name and type of facility

ADF&G processor code

List the percentage of ownership or control and describe the nature of the interest in each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA inshore processor

Owner name and signature certifying authorization of public release of 1995-1998 total processing history of each BSAI king and Tanner crab species.

**Application for AFA Inshore Processor Permit, Respondent**

<b>Total annual responses are for 2003 only: thereafter no expiration date</b>	<b>8</b>
Estimated hours per response	2
<b>Total response hours (3x2)</b>	<b>16</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>\$400</b>
Annual postage (.35 x 8=2.80)	\$3
Annual photocopy (2 x .10 x 8=1.60)	\$2
<b>Total miscellaneous cost</b>	<b>\$5</b>

<b><u>Application for AFA Inshore Processor Permit, Federal Government</u></b>	
<i>Total annual responses are for 2003 only: thereafter no expiration date</i>	<b>8</b>
Estimated hours per response	1
<b>Total response hours</b>	<b>8</b>
Personnel cost per hour	\$25
<b>Total personnel cost</b>	<b>\$200</b>

**f. Application for AFA catcher/processor permit**

No application is required; permits were issued based on 1999 participants)

Vessel information

The vessel name, ADF&G registration number, USCG documentation number, vessel telephone number (if any), gross tons, shaft horsepower, and registered length (in feet);

Ownership information

The managing owner name(s), tax ID number(s), signature(s), business mailing address(es), business telephone number(s), business fax number(s), business e-mail address(es), and managing company (if any);

<b><u>Application for AFA catcher/processor permit</u></b>	
No application is required; permits issued based on 1999 participants	0
Number of respondents	20

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The application forms are posted on the NMFS Alaska Region Home Page for viewing by the public. Otherwise, this information collection does not involve the use of automated, electronic, mechanical, or other forms of information technology. For legal and enforcement reasons, the application forms were submitted on paper, usually with the notarized signature of the owner.

**4. Describe efforts to identify duplication.**

The NMFS Federal fisheries and processor permit systems collect some information from the owners of vessels and processors to administer Federal fisheries and processor permits. This

information, however, is not adequate to administer AFA permits because the current permit systems are not based on catch histories. While some of the data fields in these permit applications duplicate the data collected for these other permit programs (see OMB 0648-0206), it is necessary to identify the universe of participating vessels and processors prior to the start of each fishing year in order to assign allocations of pollock TAC to eligible groups of vessels that form cooperatives.

NMFS considered the idea of expanding existing Alaska Federal fisheries permit applications to include all of the information necessary to administer AFA permits. However, this idea was rejected as unnecessarily burdensome to the thousands of non-AFA vessels that currently apply for Alaska Federal fishery permits and for whom this additional information collection burden would have no value.

The Alaska License Limitation Program (LLP) may appear duplicative to the AFA permit program but is not. The LLP issues transferrable permits to fishermen not vessels. LLP permits are freely transferrable and include species and gear endorsements for fisheries unrelated to the BSAI pollock fishery. The AFA establishes a closed class of vessels for the pollock fishery and are non-transferrable. Neither program can serve as a substitute for the other.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden. .**

The proposed collection-of-information does not impose a significant impact on small entities.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If the information were not collected, NMFS would be unable to implement the provisions of the AFA as mandated by Congress. All AFA vessel and processor permits have no expiration date and remain valid indefinitely unless revoked by NMFS.

Inshore catcher vessel cooperatives wishing to receive an allocation of the BSAI inshore pollock TAC are required to submit an application for an inshore cooperative fishing permit on an annual basis by December 1 of the year prior to the year in which the cooperative fishing permit will be in effect. The information must be collected once a year because NMFS must identify the universe of participating vessels and processors prior to the start of each fishing year in order to assign allocations of pollock TAC to eligible groups of vessels that form cooperatives.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

No special circumstances exist.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received**

**in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A *Federal Register* notice (copy attached) was published and no comments were received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift is provided under this program.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

The Privacy Act does apply to this collection-of-information because the social security number is requested on a voluntary basis. The social security number is needed basically to avoid inappropriate release of data: to distinguish between same names; to ensure that the records go to the same person through the use of this personal ID; when there are several operators on a vessel owned by a different individual, ensure that the confidential data of each operator is protected; with mis-spellings and possible duplications, it is necessary to select a unique identifier to find records in the database; and prevents release of confidential data to the wrong person.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

This collection of information requests the social security number (see item 10).

**12. Provide an estimate in hours of the burden of the collection of information.**

This revision to the supporting statement is a program adjustment caused by re-issuance of most the permits with an indefinite expiration date. The total burden hours are 42.5, decreasing by 41 hours.

Personnel cost per hour is calculated as the average wage equivalent to a GS-7 employee in Alaska, including COLA, at \$25 per hour. Total personnel cost is \$963 , increasing by \$172.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

Total miscellaneous costs are \$59, decreasing by \$391. Miscellaneous costs associated with the collection of information include mailing materials and notary public services.

**14. Provide estimates of annualized cost to the Federal government.**

The total burden hours is 20 hours, decreasing by 23 hours. The total personnel cost is \$500 , decreasing by \$740.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This revised collection-of-information contains program changes due to the publication of the AFA final rule which made the expiration date of several permits indefinite. Much of the text regarding qualifications and eligibility for permits is changed . The application for mothership and inshore processor permits is separated into two distinct applications. The catcher vessel cooperative permit application burden hours is increased from 16 hr to 20 hr to accommodate new requirements. Wage costs per hour are increased from \$20 per hour to \$25 per hour.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The information collected will not be published and no statistical sampling of the information is planned.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

In accordance with OMB requirements, the control number and the expiration date of OMB approval are shown on the forms.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

No exceptions to the certification statement are requested.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.





**Application for**  
**AMERICAN FISHERIES ACT (AFA)**  
**INSHORE PROCESSOR PERMIT**

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service, Alaska Region  
P.O. Box 21668  
Juneau, Alaska 9980



**BLOCK A – AFA INSHORE PROCESSOR INFORMATION**

Are you applying for a cooperative processing endorsement on the AFA inshore processor permit? ☐ YES ☐ NO  
If YES, complete Block E.

Indicate type of permit requested: ☐ Restricted processor ☐ Unrestricted processor

**BLOCK B – STATIONARY FLOATING PROCESSOR INFORMATION**

1. Stationary Floating Processor Name

2. ADF&G Processor Code

3. U.S. Coast Guard Documentation  
Number

4. Federal Processor Permit Number

5. Gross Tons

6. Shaft Horsepower

7. Registered Length (Feet)

8. Onboard Business Telephone Number

9. Onboard Business FAX Number

10. Onboard Business E-mail Address

**BLOCK C – SHORESIDE PROCESSOR INFORMATION**

1. Shoreside Processor Name

2. ADF&G Processor Code

3. Federal Processor Permit Number

4. Business Telephone Number

5. Business FAX Number

6. Business E-mail Address

**BLOCK D - OWNERSHIP INFORMATION**

1. Owner Name(s) and Signature(s)

2. SSN (voluntary) or Tax ID Number

**PRIVACY ACT STATEMENT:** Your social security number is confidential and is protected under the Privacy Act. Disclosure of your Social Security Number (SSN) is voluntary. The primary purpose for soliciting the social security number is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

3. Business Mailing Address (Street or box, city, state, zip code)

4. Business Telephone Number

5. Business FAX Number

6. Business E-mail Address

7. Managing Company, if any

**BLOCK E - AFA CRAB FACILITY OWNERSHIP INFORMATION**

Attach additional sheets, if necessary, to list all entities and facilities.

Complete this block if you are applying for a cooperative pollock processing endorsement. This requirement is necessary because NMFS must identify and issue crab processing restrictions to any AFA entity that owns or controls an AFA inshore processor that receives pollock harvested by a cooperative.

**Note: if any of the information in Block E changes, submit an amended application to NMFS, RAM within 30 days of the date of the change.**

1. Facility Name

2. ADF&amp;G Processor Code (F\_\_\_)

3. Type of Facility

☐ Shoreside processor☐ Mothership☐ Other operation (Describe)☐ Stationary floating processor☐ Catcher/processor

4. List the percentage of ownership or control and describe the nature of the interest in each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA inshore processor;

**CERTIFICATION**

I authorize NMFS to use the 1995, 1996, 1997, and 1998 total processing history of each BSAI king and Tanner crab species to compile AFA crab processing sideboard percentages. These percentages, once compiled, are authorized for public release only for purposes of notifying the public of this entity's crab processing sideboard poundage cap.

Printed Name &amp; Signature:

Complete this block if you are applying for a cooperative pollock processing endorsement. This requirement is necessary because NMFS must identify and issue crab processing restrictions to any AFA entity that owns or controls an AFA inshore processor that receives pollock harvested by a cooperative.

**Note: if any of the information in Block E changes, submit an amended application to NMFS, RAM within 30 days of the date of the change.**

1. Facility Name

2. ADF&G Processor Code (F \_\_)

3. Type of Facility

☐ Shoreside processor

☐ Mothership

☐ Other operation (Describe)

☐ Stationary floating processor

☐ Catcher/processor

4. List the percentage of ownership or control and describe the nature of the interest in each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA inshore processor;

#### CERTIFICATION

I authorize NMFS to use the 1995, 1996, 1997, and 1998 total processing history of each BSAI king and Tanner crab species to compile AFA crab processing sideboard percentages. These percentages, once compiled, are authorized for public release only for purposes of notifying the public of this entity's crab processing sideboard poundage cap.

Printed Name & Signature:

Please mail completed application to  
NMFS Alaska Region,  
Restricted Access Management,  
P.O. Box 21668,  
Juneau, AK 99802-1668.

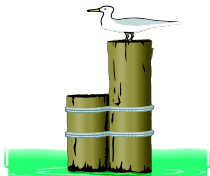
If you need additional information, contact RAM at 1-800-304-4846 or 907-586-7202.

#### ***PUBLIC REPORTING BURDEN STATEMENT***

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

#### ***ADDITIONAL INFORMATION***

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



## Instructions

### APPLICATION FOR AMERICAN FISHERIES ACT (AFA) INSHORE PROCESSOR PERMIT

Complete a separate application for each Inshore Processor. Type or print legibly in ink. Retain a copy of completed application. Completed forms should be mailed to:

National Marine Fisheries Service (NMFS)  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, AK 99802-1668

If you have questions about these permits, please call RAM at 907-586-7202 or 1-800-304-4846.

#### ***BLOCK A - AFA INSHORE PROCESSOR INFORMATION***

Are you applying for a cooperative processing endorsement on the AFA inshore processor permit? Indicate YES or NO.

If YES, complete Block E.

Indicate whether type of permit requested is Restricted or Unrestricted.

Unrestricted processors. NMFS will issue an unrestricted AFA inshore processor permit to a shoreside processor or stationary floating processor if the Regional Administrator determines that the processor facility processed annually more than 2,000 mt round-weight of pollock harvested in the inshore component of the directed BSAI pollock fishery during each of 1996 and 1997.

Restricted processors. NMFS will issue a restricted AFA inshore processor permit to a shoreside processor or stationary floating processor if the Regional Administrator determines that the facility processed pollock harvested in the inshore component of the directed BSAI pollock fishery during 1996 or 1997, but did not process annually more than 2,000 mt roundweight of BSAI pollock during each of 1996 and 1997.

*If the information provided in Block E changes, you must submit an amended application within 30 days of the date of the change.*

#### ***BLOCK B - STATIONARY FLOATING PROCESSOR INFORMATION***

1. Enter complete stationary floating processor name as displayed in official documentation.
2. ADF&G Processor Code - Enter State of Alaska Department of Fish & Game (ADF&G) Intent to operate processor license number (example: F12345).
3. From USCG official documentation, enter:  
USCG documentation number (example: 566722).  
Gross tons.

Shaft horsepower  
Registered Length (in feet)

4. Federal Processor permit number
5. Onboard business telephone number, FAX number, and e-mail address

***BLOCK C - SHORESIDE PROCESSOR INFORMATION***

1. Enter complete shoreside processor name as displayed in official documentation.
2. ADF&G Processor Code - Enter State of Alaska Department of Fish & Game (ADF&G) Intent to operate processor license number (example: F12345).
3. Federal Processor permit number
4. Business telephone number, FAX number, and e-mail address

***BLOCK D - OWNERSHIP INFORMATION***

1. Enter the full name(s) of the processor owner(s). If there is more than one owner, list the principal owner first. The permit will be issued to the first owner listed, with an *et al.* notation. The permit MUST be issued to the owner of the vessel or processor, not operators or lessees.
2. Enter social security number (voluntary) or tax identification number of owner.

**PRIVACY ACT STATEMENT:** Your social security number is confidential and is protected under the Privacy Act. Disclosure of your Social Security Number (SSN) is voluntary. The primary purpose for soliciting the social security number is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

3. Enter complete PERMANENT business mailing address of the owner, including state and zip code. Your permit will be sent to this address. If you need to have your permit sent to a different address, please enter your PERMANENT business address on the application and attach a note with your alternate address.
4. Enter business telephone number of the owner, including area code.
5. Enter business FAX number of the owner, including area code.
6. Enter business E-mail of the owner.
7. Enter the name of any company (other than the owner) that manages the operations of the processor

***BLOCK E - AFA CRAB FACILITY OWNERSHIP INFORMATION***

If you are applying for a cooperative pollock processing endorsement, list the following for each AFA crab facility. This requirement is necessary because NMFS must identify and issue crab processing restrictions to any AFA entity that owns or controls an AFA inshore processor that receives pollock harvested by a cooperative.

Attach additional sheets, if necessary, to list all entities and facilities.:

    Name and type of facility

    ADF&G processor code

    Percentage of ownership or control and describe the nature of the interest in each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA inshore processor

    Owner name and signature certifying authorization for NMFS to use the 1995, 1996, 1997, and 1998 total processing history of each BSAI king and Tanner crab species to compile AFA crab processing sideboard percentages. These percentages, once compiled, are authorized for public release only for purposes of notifying the public of this entity's crab processing sideboard poundage cap.



**Application for**  
**AMERICAN FISHERIES ACT (AFA)**  
**MOTHERSHIP PERMIT**

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service, Alaska Region  
P.O. Box 21668  
Juneau, Alaska 9980



**BLOCK A – AFA MOTHERSHIP INFORMATION**

Are you applying for a cooperative processing endorsement on the AFA mothership permit? ☐ YES ☐ NO

If YES, complete Block C.

1. Mothership Name

2. ADF&G Processor Code

3. U.S. Coast Guard Documentation  
Number

4. Federal Fisheries Permit Number

5. Gross Tons

6. Shaft Horsepower

7. Registered Length (Feet)

**BLOCK B - OWNERSHIP INFORMATION**

1. Owner Name(s) and Signature(s)

2. SSN (voluntary) or Tax ID Number

**PRIVACY ACT STATEMENT:** Your social security number is confidential and is protected under the Privacy Act. Disclosure of your Social Security Number (SSN) is voluntary. The primary purpose for soliciting the social security number is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

3. Business Mailing Address (Street or box, city, state, zip code)

4. Business Telephone Number

5. Business FAX Number

6. Business E-mail Address

7. Managing Company, if any

**BLOCK C - AFA CRAB FACILITY OWNERSHIP INFORMATION**

Attach additional sheets, if necessary, to list all entities and facilities.

Complete this block if you are applying for a cooperative pollock processing endorsement.

This requirement is necessary because NMFS must identify and issue crab processing restrictions to any AFA entity that owns or controls an AFA mothership that receives pollock harvested by a cooperative.

**Note: if any of the information in Block C changes, submit an amended application to NMFS, RAM within 30 days of the date of the change.**

1. Facility Name

2. ADF&amp;G Processor Code (F\_\_)

3. Type of Facility

☐ Shoreside processor☐ Mothership☐ Other operation (Describe)☐ Stationary floating processor☐ Catcher/processor

4. Percentage of ownership or control of each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA mothership

**CERTIFICATION**

I authorize NMFS to use the 1995, 1996, 1997, and 1998 total processing history of each BSAI king and Tanner crab species to compile AFA crab processing sideboard percentages. These percentages, once compiled, are authorized for public release only for purposes of notifying the public of this entity's crab processing sideboard poundage cap.

Printed Name &amp; Signature:

Complete this block if you are applying for a cooperative pollock processing endorsement. This requirement is necessary because NMFS must identify and issue crab processing restrictions to any AFA entity that owns or controls an AFA mothership that receives pollock harvested by a cooperative.

**Note: if any of the information in Block C changes, submit an amended application to NMFS, RAM within 30 days of the date of the change.**

1. Facility Name

2. ADF&amp;G Processor Code (F\_\_)

3. Type of Facility

☐ Shoreside processor☐ Mothership☐ Other operation (Describe)☐ Stationary floating processor☐ Catcher/processor

4. Percentage of ownership or control of each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA mothership

**CERTIFICATION**

I authorize NMFS to use the 1995, 1996, 1997, and 1998 total processing history of each BSAI king and Tanner crab species to compile AFA crab processing sideboard percentages. These percentages, once compiled, are authorized for public release only for purposes of notifying the public of this entity's crab processing sideboard poundage cap.

Printed Name &amp; Signature:



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Please mail completed application to  
NMFS Alaska Region,  
Restricted Access Management,  
P.O. Box 21668,  
Juneau, AK 99802-1668.

If you need additional information, contact RAM at 1-800-304-4846 or 907-586-7202.

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***PUBLIC REPORTING BURDEN STATEMENT***

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

***ADDITIONAL INFORMATION***

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

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## Instructions

### APPLICATION FOR AMERICAN FISHERIES ACT (AFA) MOTHERSHIP PERMIT

Complete a separate application for each Mothership. Type or print legibly in ink; retain a copy of completed application. Completed forms should be mailed to:

National Marine Fisheries Service (NMFS)  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, AK 99802-1668

If you have questions about these permits, please call RAM at 907-586-7202 or 1-800-304-4846.

#### **BLOCK A - MOTHERSHIP INFORMATION**

To be an **AFA Mothership** your vessel must be one of the three named in the AFA, Section 208(d) [see below].

- (1) EXCELLENCE (United States Coast Guard (USCG) documentation number 967502);
- (2) GOLDEN ALASKA (USCG documentation number 651041); and
- (3) OCEAN PHOENIX (USCG documentation number 296779).

Are you applying for a cooperative processing endorsement on the AFA mothership permit? Indicate YES or NO.

If Yes, complete Block C.

*If the information provided in Block D changes, you must submit an amended application within 30 days of the date of the change.*

1. Enter complete mothership name as displayed in official documentation.
2. ADF&G Processor Code - Enter State of Alaska Department of Fish & Game (ADF&G) Intent to operate processor license number (example: F12345).
3. From USCG official documentation, enter:
  - USCG documentation number (example: 566722).
  - Gross tons.
  - Shaft horsepower
  - Registered Length (in feet)
4. Federal Fisheries permit number

#### **BLOCK B - OWNERSHIP INFORMATION**

1. Enter the full name(s) of the processor owner(s). If there is more than one owner, list the principal owner first. The permit will be issued to the first owner listed, with an *et al.* notation. The permit **MUST** be issued to the owner of the vessel or processor, not operators or lessees.
2. Enter social security number (voluntary) or tax identification number of owner.

**PRIVACY ACT STATEMENT:** Your social security number is confidential and is protected under the Privacy Act. Disclosure of your Social Security Number (SSN) is voluntary. The primary purpose for soliciting the social security number is to provide a unique identifier to verify the

identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

3. Enter complete PERMANENT business mailing address of the owner, including state and zip code. Your permit will be sent to this address. If you need to have your permit sent to a different address, please enter your PERMANENT business address on the application and attach a note with your alternate address.
4. Enter business telephone number of the owner, including area code.
5. Enter business FAX number of the owner, including area code.
6. Enter business E-mail of the owner.
7. Enter the name of any company (other than the owner) that manages the operations of the processor

**BLOCK C - AFA CRAB FACILITY OWNERSHIP INFORMATION**

If you are applying for a cooperative pollock processing endorsement, list the following for each AFA crab facility. This requirement is necessary because NMFS must identify and issue crab processing restrictions to any AFA entity that owns or controls an AFA mothership that receives pollock harvested by a cooperative.

Attach additional sheets, if necessary, to list all entities and facilities.

Name of facility

Type of facility

ADF&G processor code

Percentage of ownership or control of that is affiliated with the AFA entity that owns or controls the AFA mothership

Owner name and signature certifying authorization for NMFS to use the 1995, 1996, 1997, and 1998 total processing history of each BSAI king and Tanner crab species to compile AFA crab processing sideboard percentages. These percentages, once compiled, are authorized for public release only for purposes of notifying the public of this entity's crab processing sideboard poundage cap.

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

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**Application for  
AMERICAN FISHERIES ACT (AFA)  
CATCHER VESSEL PERMIT**

United States Department of Commerce  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service, Alaska Region  
P.O. Box 21668  
Juneau, Alaska 99802-1668



**BLOCK A - VESSEL INFORMATION**

1. Vessel Name		
2. ADF&G Vessel Registration Number	3. U.S. Coast Guard Documentation Number	4. Vessel Telephone Number
5. Gross Tons	6. Shaft Horsepower	7. Registered Length (in feet)

**BLOCK B - OWNER INFORMATION**

1. Owner Name(s) and Signature(s)	2. SSN or Tax ID Number (SSN voluntary)
<p><b>PRIVACY ACT STATEMENT:</b> Your Social Security number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is voluntary. The primary purpose for soliciting the SSN is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a Federal Fishery Permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.</p>	
3. Business Mailing Address (street or P.O. box, city, state, zip code)	
4. Business Telephone Number	5. Business FAX Number
6. Business E-mail Address	
7. Managing Company, if any	

**BLOCK C - VESSEL AFA QUALIFICATION INFORMATION**

Indicate the AFA catcher vessel permit sector endorsement(s) requested.

**[ ] CATCHER VESSEL DELIVERING TO AFA CATCHER/PROCESSORS**

1. Is this vessel listed by name in the AFA Section 208(b) [see instructions]? Yes [ ] No [ ]
2. If No, In 1997 did this vessel deliver at least 250 mt of BSAI Pollock and at least 75 percent of it's 1997 BSAI pollock catch to offshore catcher/processors? Yes [ ] No [ ]

**[ ] CATCHER VESSEL DELIVERING TO AFA MOTHERSHIPS**

1. Is this vessel listed by name in the AFA Section 208(c) [see instructions]? Yes [ ] No [ ]
2. If No, did this vessel deliver at least 250 mt of BSAI pollock to AFA listed motherships in 1996, or 1997, or January 1 through September 1 of 1998? Yes [ ] No [ ]

**[ ] CATCHER VESSEL DELIVERING TO AFA INSHORE PROCESSORS**

1. Did this vessel deliver to inshore processors at least 250 mt of pollock harvested in the BSAI directed pollock fishery in 1996, or 1997, or January 1 through September 1 of 1998? Yes [ ] No [ ]
2. If No, is this vessel less than 60 feet LOA, and did it deliver to inshore processors at least 40 mt of BSAI pollock in 1996, or 1997, or January 1 through September 1 of 1998? Yes [ ] No [ ]

**BLOCK D - VESSEL CRAB ACTIVITY INFORMATION  
REQUIRED FOR CRAB SIDEBOARD ENDORSEMENTS**

To participate in any BSAI king or Tanner crab fishery, indicate the AFA crab sideboard endorsement(s) requested. This endorsement authorizes the catcher vessel to retain that crab species.

Did this vessel make one or more legal landings in the following BSAI directed crab fisheries in the years indicated? Indicate YES or NO.

1. Bristol Bay red king crab (BBRKC). Any BSAI king or Tanner crab species in 1996, 1997, *or* on or before February 7, 1998? Yes [ ] No [ ]
2. St. Matthew Island blue king crab fishery in 1995, 1996, *or* 1997? Yes [ ] No [ ]
3. Pribilof Islands red and blue king crab fishery in 1995, 1996, *or* 1997? Yes [ ] No [ ]
4. Aleutian Islands (Adak) brown king crab in the 1997/1998 *and* 1998/1999 fishery? Yes [ ] No [ ]
5. Aleutian Islands (Adak) red king crab fishery in the 1995/1996 *and* 1998/1999 fishery? Yes [ ] No [ ]
6. *Chionoecetes (C). opilio* Tanner crab fishery in each of four or more years from 1988-1997? Yes [ ] No [ ]
7. *C. Bairdi* Tanner crab fishery in 1995 *or* 1996? Yes [ ] No [ ]

**Exemption to crab harvesting sideboards.**

Did this vessel make a legal landing of crab in every BBRKC, *Opilio* Tanner crab, and *Bairdi* Tanner crab fishery opening from 1991 to 1997? Yes [ ] No [ ]

**BLOCK E - VESSEL EXEMPTIONS**  
**FROM AFA CATCHER VESSEL GROUND FISH SIDEBOARD DIRECTED FISHING CLOSURES**

To obtain an exemption from certain groundfish sideboard directed fishing closures, indicate exemptions requested. You must provide supporting documentation that the catcher vessel qualifies for the exemption based on the criteria set out below.

1. GOA groundfish species. Does your catcher vessel qualify for an exemption from AFA catcher vessel sideboards in the GOA groundfish fisheries, as indicated below? Indicate YES or NO:

Catcher vessel is less than 125 ft (38.1 m) LOA. Yes ☐ No ☐

Catcher vessel has landed a combined total of less than 5,100 mt of BSAI pollock in the BSAI directed pollock fishery from 1995 through 1997. Yes ☐ No ☐

Catcher vessel has made 40 or more legal landings of GOA groundfish in a directed fishery for GOA groundfish from 1995 through 1997. Yes ☐ No ☐

2. BSAI Pacific cod. Does your catcher vessel qualify for an exemption from AFA catcher vessel sideboards in the BSAI Pacific cod fishery, as indicated below? Indicate YES or NO:

Catcher vessel is less than 125 ft (38.1 m) LOA. Yes ☐ No ☐

Catcher vessel has landed a combined total of less than 5,100 mt of BSAI pollock in the BSAI directed pollock fishery from 1995 through 1997. Yes ☐ No ☐

Catcher vessel has made 30 or more legal landings of Pacific cod in the BSAI directed fishery for Pacific cod from 1995 through 1997. Yes ☐ No ☐

Please mail completed application to  
NMFS Alaska Region,  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, AK 99802-1668

If you need additional information, call RAM toll free at (800) 304-4846 (#2) or (907) 586-7202 (#2).

**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



## INSTRUCTIONS



### Application for American Fisheries Act (AFA) Catcher Vessel Permit

Complete a separate application for each catcher vessel. Type or print legibly in ink; retain a copy of completed application for your records. Mail completed forms to:

**National Marine Fisheries Service (NMFS) Alaska Region,  
Restricted Access Management (RAM),  
P.O. Box 21668,  
Juneau, AK 99802-1668.**

If you need additional information, call RAM toll free at (800) 304-4846 (#2) or (907) 586-7202 (#2).

**Please allow at least 10 working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or a corporate account number for express delivery.

#### **BLOCK A - VESSEL INFORMATION**

1. Enter complete name of vessel as displayed in official documentation.
2. Enter 5-digit State of Alaska, Department of Fish & Game (ADF&G) Vessel Registration Number (example: 51233).
3. Enter U.S. Coast Guard (USCG) documentation number (example: 566722).
4. Enter vessel telephone number, if any.
- 5-7. Enter gross tons, shaft horsepower, and registered length (in feet) from USCG documentation.

#### **BLOCK B - OWNER INFORMATION**

Enter owner information for the vessel listed in Block A

1. Enter the full name(s) of the owner(s) and signatures of each owner. If there is more than one owner, list the principal owner first. The permit will be issued to the first owner listed, with an *et al.* notation. The permit **MUST** be issued to the owner of the vessel, not operators or lessees.
2. Enter Social Security number or Tax Identification Number of owner(s)

**PRIVACY ACT STATEMENT:** Your Social Security number (SSN) is confidential and is protected under the Privacy Act. Disclosure of your SSN is voluntary. The primary purpose for soliciting the SSN is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

3. Enter complete PERMANENT business mailing address of owner, including street or P.O. box, city, state, and zip code. Your permit will be sent to this address. If you need to have your permit sent to a different address, please enter your PERMANENT business address on the application and attach a note with your alternate address.

4. Enter business telephone number used by the vessel owner, including area code. It is very important that you provide a telephone number where we can contact you to avoid delays in permit processing.
- 5-6. Enter business FAX number, including area code, and business e-mail (if available) used by the vessel owner.
7. Enter the name of any company (other than the owner) that manages the operations of your vessel.

### ***BLOCK C - VESSEL AFA QUALIFICATION INFORMATION***

Under the AFA, a vessel can be qualified to deliver BSAI pollock to an AFA catcher/processor **or** to one or both of the following: AFA mothership or AFA inshore processor. Indicate the AFA catcher vessel permit sector endorsement(s) requested. All claims of catch history are subject to NMFS verifications.

#### Catcher Vessel Delivering to AFA Catcher/Processors

1. Is this vessel listed by name in the AFA Section 208(b) [see below]? Indicate YES or NO.  
AMERICAN CHALLENGER (USCG documentation number 597377);  
FORUM STAR (USCG documentation number 925863);  
MUIR MILACH (USCG documentation number 611524);  
NEAHKAHNIE (USCG documentation number 599534);  
OCEAN HARVESTER (USCG documentation number 549892);  
SEA STORM (USCG documentation number 628959);  
TRACY ANNE (USCG documentation number 904859); and
2. If NO, in 1997 did this vessel deliver at least 250 mt of BSAI pollock and at least 75 percent of it's 1997 BSAI pollock catch to offshore catcher/processers? Indicate YES or NO.

#### Catcher Vessel Delivering to AFA Motherships

1. Is this vessel listed by name in the AFA Section 208(c) [see below]? Indicate YES or NO.  
ALEUTIAN CHALLENGER (USCG documentation number 603820);  
ALYESKA (USCG documentation number 560237);  
AMBER DAWN (USCG documentation number 529425);  
AMERICAN BEAUTY (USCG documentation number 613847);  
CALIFORNIA HORIZON (USCG documentation number 590758);  
MAR-GUN (USCG documentation number 525608);  
MARGARET LYN (USCG documentation number 615563);  
MARK I (USCG documentation number 509552);  
MISTY DAWN (USCG documentation number 926647);  
NORDIC FURY (USCG documentation number 542651);  
OCEAN LEADER (USCG documentation number 561518);  
OCEANIC (USCG documentation number 602279);  
PACIFIC ALLIANCE (USCG documentation number 612084);  
PACIFIC CHALLENGER (USCG documentation number 518937);  
PACIFIC FURY (USCG documentation number 561934);  
PAPADO II (USCG documentation number 536161);  
TRAVELER (USCG documentation number 929356);  
VESTERAALEN (USCG documentation number 611642);  
WESTERN DAWN (USCG documentation number 524423); and
2. If NO, did this vessel deliver at least 250 mt of BSAI pollock to AFA listed motherships in 1996, or 1997, or January 1 through September 1 of 1998? Indicate YES or NO.

#### Catcher Vessel Delivering to AFA Inshore Processor



1. Did this vessel deliver to inshore processors at least 250 mt of pollock harvested in the BSAI directed pollock fishery in 1996, or 1997, or January 1 through September 1 of 1998? Indicate YES or NO.
2. If NO, is this vessel less than 60 feet LOA, and did it deliver to inshore processors at least 40 mt of BSAI pollock in 1996, or 1997, or January 1 through September 1 of 1998? Indicate YES or NO.

**BLOCK D - VESSEL CRAB ACTIVITY INFORMATION REQUIRED FOR CRAB SIDEBOARD ENDORSEMENTS**

To participate in any BSAI king or Tanner crab fishery, indicate the AFA crab sideboard endorsement(s) requested. This endorsement authorizes the catcher vessel to retain that crab species. Each requested endorsement must be documented.

Did this vessel make one or more legal landings in the following BSAI directed crab fisheries in the years indicated? Indicate YES or NO.

1. Bristol Bay red king or Tanner crab (BBRKC). Any BSAI king or Tanner crab species in 1996, 1997, *or* on or before February 7, 1998.
2. St. Matthew Island blue king crab - in 1995, 1996, *or* 1997.
3. Pribilof Islands red and blue king crab - in 1995, 1996, *or* 1997
4. Aleutian Islands (Adak) brown king crab - in the 1997/1998 *and* 1998/1999 fisheries.
5. Aleutian Islands (Adak) red king crab - in the 1995/1996 *and* 1998/1999 fisheries.
6. C. *Opilio* Tanner crab - in each of four or more of the ten years from 1988 - 1997
7. C. *Bairdi* Tanner crab - in 1995 *or* 1996

Exemption to crab harvesting sideboards

Did this vessel make a legal landing of crab in every BBRKC, *Opilio* Tanner crab, and *Bairdi* Tanner crab fishery opening from 1991 to 1997? Indicate YES or NO.

**BLOCK E - VESSEL EXEMPTIONS FROM AFA CATCHER VESSEL GROUND FISH SIDEBOARD DIRECTED FISHING CLOSURES**

To obtain an exemption from certain groundfish sideboard directed fishing closures, indicate exemptions requested. You must provide supporting documentation that the catcher vessel qualifies for the exemption based on the criteria set out below.

1. GOA groundfish species. Does your catcher vessel qualify for an exemption from AFA catcher vessel sideboards in the GOA groundfish fisheries, as indicated below? Indicate YES or NO:
  - Catcher vessel is less than 125 ft (38.1 m) LOA
  - Catcher vessel has landed a combined total of less than 5,100 mt of BSAI pollock in the BSAI directed pollock fishery from 1995 through 1997
  - Catcher vessel has made 40 or more legal landings of GOA groundfish in a directed fishery for GOA groundfish from 1995 through 1997

2. BSAI Pacific cod. Does your catcher vessel qualify for an exemption from AFA catcher vessel sideboards in the

BSAI Pacific cod fishery, as indicated below? Indicate YES or NO:

Catcher vessel is less than 125 ft (38.1 m) LOA

Catcher vessel has landed a combined total of less than 5,100 mt of BSAI pollock in the

BSAI directed pollock fishery from 1995 through 1997

Catcher vessel has made 30 or more legal landings of Pacific cod in the BSAI

directed fishery for Pacific cod from 1995 through 1997

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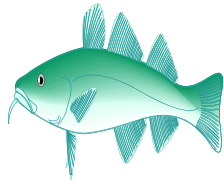
**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

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**Application for**  
**AMERICAN FISHERIES ACT (AFA)**  
**Inshore Catcher Vessel**  
**Cooperative Permit**  
***DUE DECEMBER 1\****

United States Department of Commerce  
 National Oceanic and Atmospheric  
 Administration  
 National Marine Fisheries Service, Alaska  
 Region  
 P.O. Box 21668  
 Juneau, Alaska 99802-1668



\*Due December 1 of the year prior to the year for which the co-op permit will be in effect. Late applications will not be accepted.

**BLOCK A - COOPERATIVE CONTACT INFORMATION**

1. Name of Cooperative		2. Name of Cooperative Representative	
3. Co-op Business Mailing Address (P.O. box or street, city, state, zip code)			
4. Business Telephone Number	5. Business FAX	6. E-mail Address	

**BLOCK B - DESIGNATED COOPERATIVE PROCESSOR INFORMATION**

Provide the following information for the AFA Inshore Processor who is designated in the cooperative contract as the processor to whom the cooperative has agreed to deliver at least 90 percent of its BSAI pollock catch

Name

Physical location of AFA Inshore Processor

Federal Processor Permit Number

**BLOCK C - COOPERATIVE CONTRACT INFORMATION**

NOTE: This application is not valid and cannot be processed without the submission of a copy of the co-op contract and certification.

Have you attached:

(1) A copy of the cooperative contract

Yes [ ☐ ] No [ ☐ ]

(2) A written certification that:

Yes [ ☐ ] No [ ☐ ]

The contract was signed by the owners of at least 80 percent of the qualified catcher vessels;

The cooperative contract requires that the cooperative deliver at least 90 percent of its BSAI pollock catch to its designated AFA processor; and

Each catcher vessel in the cooperative

is a qualified catcher vessel

is otherwise eligible to fish for groundfish in the BSAI

has an AFA catcher vessel permit with an inshore endorsement

has no permit sanctions or other type of sanctions against it that would prevent it from fishing for groundfish in the BSAI;

(3) A copy of a letter requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request?

Yes [ ☐ ] No [ ☐ ]

**BLOCK D - VESSEL INFORMATION**

List all co-op member catcher vessels. List complete information for each co-op catcher vessel member (attach additional pages if necessary).

1. Vessel Name

2. ADF&G Vessel Registration Number

3. USCG Documentation Number

4. AFA Permit Number

1. Vessel Name

2. ADF&G Vessel Registration Number

3. USCG Documentation Number

4. AFA Permit Number

1. Vessel Name

2. ADF&G Vessel Registration Number

3. USCG Documentation Number

4. AFA Permit Number

1. Vessel Name

2. ADF&G Vessel Registration Number

3. USCG Documentation Number

4. AFA Permit Number

1. Vessel Name

2. ADF&G Vessel Registration Number

3. USCG Documentation Number

4. AFA Permit Number

[illegible]

**BLOCK E - CERTIFICATION OF NOTARY AND APPLICANT**

Under penalty of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented hereon is true, correct, and complete.

1. Signature of Co-op Representative

2. Date

3. Printed Name of Co-op Representative

4. Notary Public (Signature)      ATTEST

6. Affix Notary Stamp or Seal Here

5. Commission Expires

Please mail completed application to  
**NMFS Alaska Region**  
**Restricted Access Management (RAM)**  
**P.O. Box 21668**  
**Juneau, AK 99802-1668.**

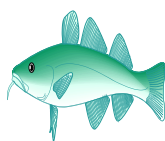
If you need additional information, call RAM toll free at (800) 304-4846 (#2) or (907) 586-7202 (#2).

**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



**Instructions**  
**APPLICATION FOR AMERICAN FISHERIES ACT (AFA)**  
**CATCHER VESSEL INSHORE CO-OP PERMIT**



**IMPORTANT!** This inshore co-op permit application and any amendments that add or delete co-op member vessels **must be received by** National Marine Fisheries Service (NMFS), **Restricted Access Management (RAM)** by **December 1** of the year prior to the year for which the co-op permit will be in effect. **Late applications will NOT be accepted.**

Type or print legibly in ink; retain a copy of completed application for your records. Mail completed forms to:  
**NMFS Alaska Region, RAM,**  
**P.O. Box 21668,**  
**Juneau, AK 99802-1668.**

If you need additional information, call RAM toll free at (800) 304-4846 (#2) or (907) 586-7202 (#2).

**Please allow at least 10 working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or a corporate account number for express delivery.

Fishery cooperative or cooperative means any entity cooperatively managing directed fishing for BSAI pollock and formed under section 1 of the Fisherman's Collective Marketing Act of 1934 (15 U.S.C. 521). In and of itself, a cooperative is not an AFA entity subject to excessive harvest share limitations, unless a single person, corporation or other business entity controls the cooperative and the cooperative has the power to control the fishing activity of its member vessels.

***BLOCK A - CO-OP CONTACT INFORMATION***

1. Co-op name.
2. Name of Designated Cooperative Representative. Indicate the name of an individual who is designated by the members of a fishery cooperative to fulfill requirements on behalf of the cooperative including, but not limited to, the signing of cooperative fishing permit applications; submitting catcher vessel pollock cooperative catch reports, and submitting annual cooperative fishing reports.
3. Co-op business mailing address, including P.O. box or street, city, state, and zip code.
4. Business telephone number, including area code.
5. Business FAX number, if available.
6. Business e-mail address, if any.

***BLOCK B - DESIGNATED COOPERATIVE PROCESSOR INFORMATION***

Name and physical location of AFA Inshore Processor who is designated in the cooperative contract as the processor to whom the cooperative has agreed to deliver at least 90 percent of its BSAI pollock catch  
Federal Processor Permit number of the AFA inshore processor.

### ***BLOCK C -- COOPERATIVE CONTRACT INFORMATION***

NOTE: This application is not valid and cannot be processed without the submission of a copy of the co-op contract and certification.

1. Indicate YES or NO whether you have attached

A copy of the cooperative contract and

A written certification that:

The contract was signed by the owners of at least 80 percent of the qualified catcher vessels;

The cooperative contract requires that the cooperative deliver at least 90 percent of its BSAI pollock catch to its designated AFA processor; and

Each catcher vessel in the cooperative

is a qualified catcher vessel

is otherwise eligible to fish for groundfish in the BSAI

has an AFA catcher vessel permit with an inshore endorsement

has no permit sanctions or other type of sanctions against it that would prevent it from fishing for groundfish in the BSAI;

A copy of a letter requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request

### ***BLOCK D - VESSEL INFORMATION***

All co-op member vessels must be listed. List complete information for each co-op member catcher vessel (attach additional pages if necessary).

From USCG official documentation, enter:

Complete vessel name.

5-digit ADF&G vessel registration number (example: 51233).

U.S. Coast Guard documentation number (example: 566722).

Enter the AFA permit number.



## ***BLOCK E - CERTIFICATION OF NOTARY AND APPLICANT***

Sign, print your name, and date the application in the presence of Notary Public. As a result of this requirement, we will not process applications faxed to us. Representatives acting on behalf of an applicant must submit proof of authorization to submit this application on their behalf.

Signature of the co-op representative

Date this application was signed.

Printed name of the co-op representative.

4-6. Notary Certification.

A Notary Public must Attest and affix Notary Stamp.

Notary Public verification cannot be completed by the person submitting this application.

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### ***PUBLIC REPORTING BURDEN STATEMENT***

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

### ***ADDITIONAL INFORMATION***

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of all persons seeking to participate in the groundfish fisheries under authority of AFA; 5) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 6) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

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**APPLICATION FOR  
AMERICAN FISHERIES ACT (AFA)  
PERMIT FOR  
REPLACEMENT VESSEL**

U.S. Dept. of Commerce/NOAA  
National Marine Fisheries Service  
Restricted Access Management  
P.O. Box 21668  
Juneau, AK 99802-1668



**BLOCK A - IDENTIFICATION & OWNERSHIP OF LOST AFA ELIGIBLE VESSEL**

1. Vessel Name:		2. ADF&G Vessel Registration Number:	3. U.S. Coast Guard Documentation Number:	4. AFA Permit Number:
5. Gross Tons:	6. Shaft Horsepower:		7. Registered Length:	
8. What was the last year in which this vessel harvested or processed pollock in a BSAI directed pollock fishery?				
9. How was the vessel lost or destroyed? <b>U.S. Coast Guard form 2692 or insurance papers verifying the loss must be attached.</b>				
10. Owner Name(s):			11. SSN (voluntary) or Tax ID:	
12. Business Mailing Address:				
13. Business Telephone Number:	14. Business FAX Number:		15. Business E-mail Address:	

**BLOCK B - IDENTIFICATION & OWNERSHIP OF REPLACEMENT VESSEL**  
U.S. Coast Guard Documentation for this vessel must be attached to this application

1. Vessel Name:		2. ADF&G Vessel Registration Number:	3. U. S. Coast Guard Documentation Number:
4. Gross Tons:	5. Shaft Horsepower:		6. Registered Length:
7. Net Tons:	8. Current Length Overall:		9. Federal Fisheries Permit: (if known)
10. Was the vessel built in the United States? Yes [ ] No [ ]			
11. Has the vessel ever been rebuilt? Yes [ ] No [ ]			
If Yes, was it rebuilt in the United States? Yes [ ] No [ ]			
12. Owner Name(s):			13. SSN (voluntary) or Tax ID:
14. Business Mailing Address:			
15. Business Telephone Number:	16. Business FAX Number:		17. Business E-mail Address:

**BLOCK C - CERTIFICATION OF APPLICANT AND NOTARY**

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct and complete.

1. Signature of Owner

2. Date:

3. Printed Name of owner

4. Notary Public:                      ATTEST

5. Affix Notary Stamp or Seal Here:

6. Commission Expires:

Please mail completed application to  
**NMFS Alaska Region**  
**Restricted Access Management**  
**P.O. Box 21668**  
**Juneau, AK 99802-1668.**

If you need additional information, contact RAM at 1-800-304-4846 or 907-586-7202.

**PRIVACY ACT STATEMENT:** Your social security number is confidential and is protected under the Privacy Act. Disclosure of your Social Security Number (SSN) is voluntary. The primary purpose for soliciting the social security number is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

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***PUBLIC REPORTING BURDEN STATEMENT***

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sustainable Fisheries, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

***ADDITIONAL INFORMATION***

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the American Fisheries Act; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of persons seeking to participate in groundfish fisheries under authority of AFA.

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## INSTRUCTIONS

### Application for American Fisheries Act (AFA) Permit for Replacement Vessel

Use this application to request replacement of AFA qualified catcher vessels, catcher/processors, and motherships in the event of total or constructive loss of the qualified vessel. Replacement of AFA qualified vessels is authorized at Section 208(g) of the AFA.

Type or print legibly in ink; retain a copy of completed application for your records. Completed forms should be mailed to:

**National Marine Fisheries Service (NMFS) Alaska Region,  
Restricted Access Management,  
P.O. Box 21668,  
Juneau, AK 99802-1668.**

If you need information, contact RAM at 1-800-304-4846 or 907-586-7202.

**Please allow at least 10 working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or a corporate account number for express delivery.

#### ***BLOCK A - IDENTIFICATION & OWNERSHIP OF LOST AFA ELIGIBLE VESSEL***

Provide information as of the time of the actual or constructive loss of the vessel.

1. Vessel Name - Enter complete vessel name as displayed in official documentation.
2. ADF&G Vessel Registration Number - Enter 5-digit State of Alaska Department of Fish & Game (ADF&G) Vessel Registration Number (example: 51233) of eligible vessel.
3. U.S. Coast Guard Documentation Number - Enter U.S. Coast Guard (USCG) documentation number (example: 566722) of eligible vessel.
4. AFA Permit Number - Enter the AFA Permit Number of the eligible vessel.
5. Gross tons - Enter gross Tons of eligible vessel from USCG documentation/registration.
6. Shaft horsepower - Enter shaft horsepower of eligible vessel from USCG documentation/registration.
7. Registered length - Enter registered length (in feet) of eligible vessel from USCG documentation/registration.
8. Enter the last year in which this vessel harvested or processed pollock in a BSAI directed pollock fishery.
9. Explain in detail how the eligible vessel was lost or destroyed.
10. Owner Name(s) - Enter the full name(s) of the vessel owner(s). If there is more than one owner, list the principal owner first; the permit will be issued to the first owner listed, with an *et al.* notation. The permit **MUST** be issued to the owner of the vessel, not operators or lessees.
11. Social Security Number (voluntary) or Tax Identification Number - Enter social security number or tax identification number of owner.  

**PRIVACY ACT STATEMENT:** Your social security number is confidential and is protected under the Privacy Act. Disclosure of your Social Security Number (SSN) is voluntary. The primary purpose for soliciting the social security number is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.
12. Business Mailing Address - Enter your complete PERMANENT business mailing address, including state and zip code. Your permit will be sent to this address. If you need to have your permit sent to a different address, please enter your PERMANENT business address on the application and attach a note with your alternate address.
13. Business Telephone Number - Enter business telephone number used by the vessel or processor owner, including area code. It is very important that you provide a telephone number where we can contact you, or where we can leave messages for you; if questions arise concerning your application and we cannot contact you by telephone, issuance of your permit will be delayed.
14. Business FAX Number - Enter business FAX number used by the vessel owner, including area code.
15. Business E-mail address - Enter business E-mail used by the vessel owner

**BLOCK B - IDENTIFICATION & OWNERSHIP OF REPLACEMENT VESSEL**

*Coast Guard Documentation for this vessel must be attached to the application*

1. Vessel Name - Enter complete vessel name as displayed in official documentation.
2. ADF&G Vessel Registration Number - Enter 5-digit ADF&G vessel registration number (example: 51233) of replacement vessel.
3. U.S. Coast Guard Documentation Number - Enter USCG documentation number (example: 566722) of replacement vessel.
4. Gross tons - Enter gross tons of replacement vessel from USCG documentation.
5. Shaft horsepower - Enter shaft horsepower of replacement vessel from USCG documentation.
6. Registered length - Enter registered length (in feet) of replacement vessel from USCG documentation.
7. Net tons - Enter registered net tonnage (U.S. tons) as stated in official documentation.
8. Current length overall - Enter current length overall (in feet).
9. Federal Fisheries Permit - Enter Federal Fisheries Permit number, if known.
10. Was the vessel built in the United States? Answer YES or NO, as appropriate.
11. Has the vessel ever been rebuilt? Answer YES or NO.  
If YES, was it rebuilt in the United States? Answer YES or NO as appropriate.
12. Owner Name(s) - Enter the full name(s) of the vessel owner(s). If there is more than one owner, list the principal owner first; the permit will be issued to the first owner listed, with an *et al.* notation. The permit MUST be issued to the owner of the vessel, not operators or lessees.
13. Social Security Number (voluntary) or Tax Identification Number - Enter social security number or tax identification number of owner.

**PRIVACY ACT STATEMENT:** Your social security number is confidential and is protected under the Privacy Act. Disclosure of your Social Security Number (SSN) is voluntary. The primary purpose for soliciting the social security number is to provide a unique identifier to verify the identity of the applicant(s) for issuance of a federal fishery permit and to avoid inappropriate release of confidential records related to federal commercial fishery permits. In the event it is not provided, NMFS will assign a unique code that will identify your records.

14. Business Mailing Address - Enter complete PERMANENT business mailing address of owner, including state and zip code. Your permit will be sent to this address. If you need to have your permit sent to a different address, please enter your PERMANENT business address on the application and attach a note with your alternate address.
15. Business Telephone Number - Enter business telephone number used by the vessel owner, including area code. It is very important that you provide a telephone number to avoid delays in permit processing.
16. Business FAX Number - Enter business FAX number used by the vessel owner, including area code.
17. Business E-mail address - Enter business E-mail used by the vessel owner

**BLOCK C - CERTIFICATION OF APPLICANT AND NOTARY**

1. Signature of the owner.
2. Date this application was signed.
3. Printed name of the owner.
- 4-6. Notary Certification. A Notary Public must Attest and affix Notary Stamp. Notary Public verification cannot be completed by the person submitting this application.

Sign, Print and date the application in the presence of Notary Public.

As a result of this requirement, **we will not process applications faxed to us.** Representatives acting on behalf of an applicant must submit proof of authorization to submit this application on their behalf.

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Sustainable Fisheries, NMFS, P.O. Box 21668, Juneau, AK 99802.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to manage the Limited Access Programs; 3) Federal law and regulations require and authorize NMFS to manage commercial fishing effort; 4) Submission of this information is required of persons seeking to participate in groundfish fisheries under authority of AFA.

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(3) The vessel obtained to replace the sunken vessel was obtained by December 31 of the year 2 years after the sunken vessel sank; and

(4) The length of the vessel obtained to replace the sunken vessel does not exceed the MLOA specified on the license holder's groundfish license.

(B) *Hardship provision.* A license holder may be eligible for a Pacific cod endorsement because of unavoidable circumstances if he or she meets the requirements in paragraphs (k)(9)(v)(B)(1)-(4) of this section. For purposes of this hardship provision, the term license holder includes the person whose landings were used to meet the eligibility requirements for the license holder's groundfish license, if not the same person.

(1) The license holder at the time of the unavoidable circumstance held a specific intent to conduct directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in the table at paragraph (k)(9)(ii) of this section but that this intent was thwarted by a circumstance that was:

(i) Unavoidable;

(ii) Unique to the license holder, or unique to the vessel that was used as the basis of eligibility for the license holder's groundfish license; and

(iii) Unforeseen and reasonably unforeseeable to the license holder.

(2) The circumstance that prevented the license holder from conducting directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in paragraph (k)(9)(ii) actually occurred;

(3) The license holder took all reasonable steps to overcome the circumstance that prevented the license holder from conducting directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in paragraph (k)(9)(ii) of this section; and

(4) Any amount of Pacific cod was harvested in the BSAI aboard the vessel that was used as the basis of eligibility for the license holder's groundfish license after the vessel was prevented from participating by the unavoidable circumstance but before April 16, 2000.

(10) *Restrictions on licenses earned on AFA catcher vessels and listed AFA catcher/processors.* No person may use an LLP license that was derived in whole or in part from the qualifying fishing history of an AFA catcher vessel or a listed AFA catcher/processor to fish for groundfish or crab on a non-AFA catcher vessel or non-AFA catcher/processor. NMFS will identify all such licenses affected by this restriction and inform the holders of such licenses of this restriction through a restriction printed on the face of the license.

**(1) AFA permits** -- (1) *General* -- (i) *Applicability.* In addition to any other permit and licensing requirements set out in this part, any vessel used to engage in directed fishing for a non-CDQ allocation of pollock in the BSAI and any shoreside processor, stationary floating processor, or mothership that receives pollock harvested in a non-CDQ directed pollock fishery in the BSAI must have a valid AFA permit onboard the vessel or at the facility location at all times while non-CDQ pollock is being harvested or processed. In addition, the owner of any vessel that is a member of a pollock cooperative in the BSAI must also have a valid AFA permit for every vessel that is a member of the cooperative, regardless of whether or not the vessel actually engages in directed fishing for pollock in the BSAI. Finally, an AFA permit does not exempt a vessel operator, vessel, or processor from any other applicable permit or licensing requirement required under this part or in other state or Federal regulations.

(ii) *Duration* -- (A) *Expiration of interim AFA permits.* All interim AFA vessel and processor permits issued prior to January 1,

2002, will expire on December 31, 2002, unless extended or re-issued by NMFS.

(B) *Duration of final AFA permits.* Except as provided in paragraphs (l)(5)(v)(B)(3) and (l)(6)(iii) of this section, AFA vessel and processor permits issued under this paragraph (l) will have no expiration date, and are valid indefinitely unless suspended or revoked.

(iii) *Application for permit.* NMFS will issue AFA vessel and processor permits to the current owner(s) of a qualifying vessel or processor if the owner(s) submits to the Regional Administrator a completed AFA permit application that is subsequently approved.

(iv) *Amended permits.* AFA vessel and processor permits may not be used on or transferred to any vessel or processor that is not listed on the permit. However, AFA permits may be amended to reflect any change in the ownership of the vessel or processor. An application to amend an AFA permit must include the following:

(A) The original AFA permit to be amended, and

(B) A completed AFA permit application signed by the new vessel or processor owner.

(2) AFA catcher/processor permits--(i) Listed AFA catcher/processors. NMFS will issue to an owner of a catcher/processor a listed AFA catcher/processor permit if the catcher/processor is one of the following (as listed in AFA paragraphs 208(e)(1) through (20)):

(A) AMERICAN DYNASTY (USCG documentation number 951307);

(B) KATIE ANN (USCG documentation number 518441);

(C) AMERICAN TRIUMPH (USCG documentation number 646737);

(D) NORTHERN EAGLE (USCG documentation number 506694);

(E) NORTHERN HAWK (USCG documentation number 643771);

(F) NORTHERN JAEGER (USCG documentation number 521069);

(G) OCEAN ROVER (USCG documentation number 552100);

(H) ALASKA OCEAN (USCG documentation number 637856);

(I) ENDURANCE (USCG documentation number 592206);

(J) AMERICAN ENTERPRISE (USCG documentation number 594803);

(K) ISLAND ENTERPRISE (USCG documentation number 610290);

(L) KODIAK ENTERPRISE (USCG documentation number 579450);

(M) SEATTLE ENTERPRISE (USCG documentation number 904767);

(N) US ENTERPRISE (USCG documentation number 921112);

(O) ARCTIC STORM (USCG documentation number 903511);

(P) ARCTIC FJORD (USCG documentation number 940866);

(Q) NORTHERN GLACIER (USCG documentation number 663457);

(R) PACIFIC GLACIER (USCG documentation number 933627);

(S) HIGHLAND LIGHT (USCG documentation number 577044);

(T) STARBOUND (USCG documentation number 944658).

(ii) *Unlisted AFA catcher/processors.* NMFS will issue to an owner of a catcher/processor an unlisted AFA catcher/processor permit if the catcher/processor is not listed in § 679.4(l)(2)(i) and is determined by the Regional Administrator to have harvested more than 2,000 mt of pollock in the 1997 BSAI directed pollock fishery.

(iii) *Application for AFA catcher/processor permit.* A completed application for an AFA catcher/processor permit must contain:

(A) *Vessel information.* The vessel name, ADF&G registration number, USCG documentation number, vessel telephone number (if any), gross tons, shaft horsepower, and registered length (in feet);

(B) *Ownership information.* The managing owner name(s), tax ID number(s), signature(s), business mailing address(es), business telephone number(s), business fax number(s), business e-mail address(es), and managing company (if any);

(3) *AFA catcher vessel permits.* NMFS will issue to an owner of a catcher vessel an AFA catcher vessel permit containing sector endorsements and sideboard restrictions upon receipt and approval of a completed application for an AFA catcher vessel permit.

(i) *Qualifying criteria -- (A) Catcher vessels delivering to catcher/processors.* NMFS will endorse an AFA catcher vessel permit to authorize directed fishing for pollock for delivery to a catcher/processor if the catcher vessel:

(1) Is one of the following (as listed in paragraphs 208(b)(1) through (7) of the AFA):

AMERICAN CHALLENGER (USCG documentation number 633219);

FORUM STAR (USCG documentation number 925863);

MUIR MILACH (USCG documentation number 611524);

NEAHKAHNIE (USCG documentation number 599534);

OCEAN HARVESTER (USCG documentation number 549892);

SEA STORM (USCG documentation number 628959);

TRACY ANNE (USCG documentation number 904859); or

(2) Is not listed in § 679.4(l)(3)(i)(A)(1) and is determined by the Regional Administrator to have delivered at least 250 mt and at least 75 percent of the pollock it harvested in the directed BSAI pollock fishery in 1997 to catcher/processors for processing by the offshore component.



(B) *Catcher vessels delivering to AFA motherships*. NMFS will endorse an AFA catcher vessel permit to authorize directed fishing for pollock for delivery to an AFA mothership if the catcher vessel:

(1) Is one of the following (as listed in paragraphs 208(c)(1) through (20) and in subsection 211(e) of the AFA):

(i) ALEUTIAN CHALLENGER (USCG documentation number 603820);

(ii) ALYESKA (USCG documentation number 560237);

(iii) AMBER DAWN (USCG documentation number 529425);

(iv) AMERICAN BEAUTY (USCG documentation number 613847);

(v) CALIFORNIA HORIZON (USCG documentation number 590758);

(vi) MAR-GUN (USCG documentation number 525608);

(vii) MARGARET LYN (USCG documentation number 615563);

(viii) MARK I (USCG documentation number 509552);

(ix) MISTY DAWN (USCG documentation number 926647);

(x) NORDIC FURY (USCG documentation number 542651);

(xi) OCEAN LEADER (USCG documentation number 561518);

(xii) OCEANIC (USCG documentation number 602279);

(xiii) PACIFIC ALLIANCE (USCG documentation number 612084);

(xiv) PACIFIC CHALLENGER (USCG documentation number 518937);

(xv) PACIFIC FURY (USCG documentation number 561934);

(xvi) PAPADO II (USCG documentation number 536161);

(xvii) TRAVELER (USCG documentation number 929356);

(xviii) VESTERAALEN (USCG documentation number 611642);

(xix) WESTERN DAWN (USCG documentation number 524423);

(xx) LISA MARIE (USCG documentation number 1038717); or

(2) Is not listed in § 679.4(l)(3)(i)(B)(1) and is determined by the Regional Administrator to have delivered at least 250 mt of pollock for processing by motherships in the offshore component of the BSAI directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998, and September 1, 1998, and is not eligible for an endorsement to deliver pollock to catcher/processors under § 679.4(l)(3)(i)(A).

(C) *Catcher vessels delivering to AFA inshore processors.* NMFS will endorse an AFA catcher vessel permit to authorize directed fishing for pollock for delivery to an AFA inshore processor if the catcher vessel is:

(I) One of the following vessels authorized by statute to engage in directed fishing for inshore sector pollock:

HAZEL LORRAINE (USCG documentation number 592211),

LISA MARIE (USCG documentation number 1038717),

PROVIDIAN (USCG documentation number 1062183); or

(2) Is not listed in § 679.4(l)(3)(i)(A), and:

(i) Is determined by the Regional Administrator to have delivered at least 250 mt of pollock harvested in the directed BSAI pollock fishery for processing by the inshore component in any one of the years 1996 or 1997, or between January 1, 1998, and September 1, 1998; or

(ii) Is less than 60 ft (18.1 meters) LOA and is determined by the Regional Administrator to have delivered at least 40 mt of pollock harvested in the directed BSAI pollock fishery for processing by the inshore component in any one of the years 1996 or 1997, or between January 1, 1998, and September 1, 1998.

(ii) *Application for AFA catcher vessel permit.* A completed application for an AFA catcher vessel permit must contain:

(A) *Vessel information.* The vessel name, ADF&G registration number, USCG documentation number, vessel telephone number (if any), gross tons, shaft horsepower, and registered length (in feet);

(B) *Ownership information.* The managing owner name(s), tax ID number(s), signature(s), business mailing address(es), business telephone number(s), business fax number(s), business e-mail address(es), and managing company (if any);

(C) *Vessel AFA qualification information.* The AFA catcher vessel permit sector endorsement(s) requested.

(D) *Vessel crab activity information required for crab sideboard endorsements.* The owner of an AFA catcher vessel wishing to participate in any BSAI king or Tanner crab fishery must apply for a crab sideboard endorsement authorizing the catcher vessel to retain that crab species. An AFA catcher vessel permit may be endorsed for a crab species if the owner requests a crab sideboard endorsement and if the Regional Administrator verifies the legal landing(s) according to the following criteria:

(1) *Bristol Bay Red King Crab (BBRKC).* A legal landing of any BSAI king or Tanner crab species in 1996, 1997, or on or before February 7, 1998. A BBRKC sideboard endorsement also authorizes a vessel to retain Bairdi Tanner crab harvested during the duration of a BBRKC opening if the vessel is otherwise authorized to retain Bairdi Tanner crab while fishing for BBRKC under state and Federal regulations.

(2) *St. Matthew Island blue king crab.* A legal landing of St. Matthew Island blue king crab in that fishery in 1995, 1996, or 1997.

(3) *Pribilof Island red and blue king crab.* A legal landing of Pribilof Island blue or red king crab in that fishery in 1995, 1996, or 1997.

(4) *Aleutian Islands (Adak) brown king crab.* A legal landing of Aleutian Islands brown king crab in each of the 1997/1998 and 1998/1999 fishing seasons.

(5) *Aleutian Islands (Adak) red king crab*. A legal landing of Aleutian Islands red king crab in each of the 1995/1996 and 1998/1999 fishing seasons.

(6) *Opilio Tanner crab*. A legal landing of *Chionoecetes* (C.) *opilio* Tanner crab in each of 4 or more years from 1988 to 1997.

(7) *Bairdi Tanner crab*. A legal landing of C. *bairdi* Tanner crab in 1995 or 1996.

(8) *Exemption to crab harvesting sideboards*. An AFA catcher vessel permit may be endorsed with an exemption from all crab harvesting sideboards if the owner requests such exemption and provides supporting documentation that the catcher vessel made a legal landing of crab in every BBRKC, *Opilio* Tanner crab, and *Bairdi* Tanner crab fishery opening from 1991 to 1997 and if the Regional Administrator verifies the legal landings.

(E) *Vessel exemptions from AFA catcher vessel groundfish sideboard directed fishing closures*. An AFA catcher vessel permit may contain exemptions from certain groundfish sideboard directed fishing closures. If a vessel owner is requesting such an exemption, the application must provide supporting documentation that the catcher vessel qualifies for the exemption based on the following criteria. The Regional Administrator will review the vessel's catch history according to the following criteria:

(1) *BSAI Pacific cod*. For a catcher vessel to qualify for an exemption from AFA catcher vessel sideboards in the BSAI Pacific cod fishery, the catcher vessel must: Be less than 125 ft (38.1 m) LOA, have landed a combined total of less than 5,100 mt of BSAI pollock in the BSAI directed pollock fishery from 1995 through 1997, and have made 30 or more legal landings of Pacific cod in the BSAI directed fishery for Pacific cod from 1995 through 1997.

(2) *GOA groundfish species*. For a catcher vessel to qualify for an exemption from AFA catcher vessel sideboards in the GOA groundfish fisheries, the catcher vessel must: Be less than 125 ft (38.1 m) LOA, have landed a combined total of less than 5,100 mt of BSAI pollock in the BSAI directed pollock fishery from 1995 through 1997, and made 40 or more legal landings of GOA groundfish in a directed fishery for GOA groundfish from 1995 through 1997.

(4) *AFA mothership permits*. NMFS will issue to an owner of a mothership an AFA mothership permit if the mothership is one of the following (as listed in paragraphs 208(d)(1) through (3) of the AFA):

EXCELLENCE (USCG documentation number 967502);

GOLDEN ALASKA (USCG documentation number 651041); and

OCEAN PHOENIX (USCG documentation number 296779).

(i) *Cooperative processing endorsement*. The owner of an AFA mothership who wishes to process pollock harvested by a fishery cooperative formed under § 679.61 must apply for and receive a cooperative processing endorsement on the vessel's AFA mothership permit.

(ii) *Application for AFA mothership permit*. A completed application for an AFA mothership permit must contain:

(A) *Type of permit requested*. Type of processor and whether requesting an AFA cooperative endorsement.

(B) *Vessel information*. The mothership name, ADF&G processor code, USCG documentation number, Federal fisheries permit number, gross tons, shaft horsepower, and registered length (in feet).

(C) *Ownership information*. The managing owner name(s), tax ID number(s), signature(s), business mailing address(es), business telephone number(s), business fax number(s), business e-mail address(es), and managing company (if any);

(D) *AFA crab facility ownership information*. If the applicant is applying for a cooperative pollock processing endorsement, the

AFA mothership application must list the name, type of facility, ADF&G processor code, and percentage of ownership or control of each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA mothership;

(E) *Data confidentiality waiver.* If the applicant is applying for a cooperative pollock processing endorsement, the AFA mothership application must contain a valid signed data confidentiality waiver for each crab processing facility listed on the permit application that authorizes public release of the 1995-1998 total processing history of each BSAI king and Tanner crab species.

(5) *AFA inshore processor permits.* NMFS will issue to an owner of a shoreside processor or stationary floating processor an AFA inshore processor permit upon receipt and approval of a completed application.

(i) *Qualifying criteria -- (A) Unrestricted processors.* NMFS will issue an unrestricted AFA inshore processor permit to a shoreside processor or stationary floating processor if the Regional Administrator determines that the processor facility processed annually more than 2,000 mt round-weight of pollock harvested in the inshore component of the directed BSAI pollock fishery during each of 1996 and 1997.

(B) *Restricted processors.* NMFS will issue a restricted AFA inshore processor permit to a shoreside processor or stationary floating processor if the Regional Administrator determines that the facility processed pollock harvested in the inshore component of the directed BSAI pollock fishery during 1996 or 1997, but did not process annually more than 2,000 mt round-weight of BSAI pollock during each of 1996 and 1997.

(ii) *Cooperative processing endorsement.* The owner of an AFA inshore processor who wishes to process pollock harvested by a fishery cooperative formed under § 679.62 must apply for and receive a cooperative processing endorsement on the AFA inshore processor permit.

(iii) *Single geographic location requirement.* An AFA inshore processor permit authorizes the processing of pollock harvested in the BSAI directed pollock fishery only in a single geographic location during a fishing year. For the purpose of this paragraph, single geographic location means:

(A) *Shoreside processors.* The physical location at which the land-based shoreside processor first processed BSAI pollock harvested in the BSAI directed pollock fishery during a fishing year;

(B) *Stationary floating processors.* A location within Alaska state waters that is within 5 nm of the position in which the stationary floating processor first processed BSAI pollock harvested in the BSAI directed pollock fishery during a fishing year.

(iv) *Application for permit.* A completed application for an AFA inshore processor permit must contain:

(A) *Type of permit requested.* Type of processor, whether requesting an AFA cooperative endorsement, and amount of BSAI pollock processed in 1996 and 1997;

(B) *Stationary floating processor information.* The vessel name, ADF&G processor code, USCG documentation number, Federal processor permit number, gross tons, shaft horsepower, registered length (in feet), and business telephone number, business FAX number, and business e-mail address used on board the vessel.

(C) *Shoreside processor information.* The processor name, Federal processor permit number, ADF&G processor code, business street address; business telephone and FAX numbers, and business e-mail address.

(D) *Ownership information.* The managing owner name(s), tax ID number(s), signature(s), business mailing address(es), business telephone number(s), business fax number(s), business e-mail address(es), and managing company (if any);

(E) *AFA crab facility ownership information.* If the applicant is applying for a cooperative pollock processing endorsement, the

AFA inshore processor application must list the name, type of facility, ADF&G processor code, and list the percentage of ownership or control and describe the nature of the interest in each AFA crab facility that is affiliated with the AFA entity that owns or controls the AFA inshore processor;

(F) *Data confidentiality waiver.* If the applicant is applying for a cooperative pollock processing endorsement, the AFA mothership application must contain a valid signed data confidentiality waiver for each crab processing facility listed on the permit application that authorizes public release of the 1995-1998 total processing history of each BSAI king and Tanner crab species by that facility.

(v) *Authorization of new AFA inshore processors.* If the Council recommends and NMFS approves a combined BSAI pollock TAC that exceeds 1,274,900 mt for any fishing year, or in the event of the actual total loss or constructive loss of an existing AFA inshore processor, the Council may recommend that an additional inshore processor (or processors) be issued AFA inshore processing permits.

(A) *Timing of Council action.* At any time prior to or during a fishing year in which the combined BSAI pollock TAC exceeds 1,274,900 mt, or at any time after the actual total loss or constructive total loss of an existing AFA inshore processor, the Council may, after opportunity for public comment, recommend that an additional inshore processor (or processors) be issued AFA inshore processor permits.

(B) *Required elements in Council recommendation.* Any recommendation from the Council to add an additional inshore processor (or processors) must include the following information:

(1) *Identification of inshore processor(s).* The Council recommendation must identify by name the inshore processor(s) to which AFA inshore processor permits would be issued;

(2) *Type of AFA inshore processor permit(s).* The Council recommendation must specify whether the identified inshore processor(s) should be issued a restricted or unrestricted AFA inshore processor permit.

(3) *Duration of permit.* The Council recommendation must specify the recommended duration of the permit. Permit duration may be for any duration from a single fishing season to the duration of section 208 of the AFA. Alternatively, the Council may recommend that the permit be valid as long as the conditions that led to the permit remain in effect. For example, the Council could recommend that a permit issued under this paragraph remain valid as long as the combined annual BSAI pollock TAC remains above 1,274,900 mt. or a lost AFA inshore processor is not reconstructed.

(4) *Council procedures.* The Council may establish additional procedures for the review and approval of requests to authorize additional AFA inshore processors. However, such procedures must be consistent with the Magnuson-Stevens Act, the national standards, and other applicable law.

(5) *Action by NMFS.* Upon receipt of a recommendation from the Council to authorize additional AFA inshore processors, NMFS may issue an AFA inshore processor permit to the identified inshore processor(s) of the type and duration recommended by the Council, provided the Council has met the requirements identified in paragraphs (1)(5)(v)(B)(1) through (4) of this section, and the owner(s) of the identified inshore processor has submitted a completed application for an AFA inshore processor permit that is subsequently approved.

(6) *Inshore cooperative fishing permits -- (i) General.* NMFS will issue to an inshore catcher vessel cooperative formed pursuant to 15 U.S.C. 521 for the purpose of cooperatively managing directed fishing for pollock for processing by an AFA inshore processor an AFA inshore cooperative fishing permit upon receipt and approval of a completed application.

(ii) *Application for permit.* A completed application for an inshore cooperative fishing permit must contain the following information:

(A) *Cooperative contact information.* Name of cooperative; name of cooperative representative; and business mailing address, business telephone number, business fax number, and business e-mail address of the cooperative;

(B) *Designated cooperative processor.* The name and physical location of AFA Inshore Processor who is designated in the cooperative contract as the processor to whom the cooperative has agreed to deliver at least 90 percent of its BSAI pollock catch;

(C) *Cooperative contract information.* A copy of the cooperative contract and a written certification that:

(1) The contract was signed by the owners of at least 80 percent of the qualified catcher vessels;

(2) The cooperative contract requires that the cooperative deliver at least 90 percent of its BSAI pollock catch to its designated AFA processor; and

(3) Each catcher vessel in the cooperative is a qualified catcher vessel and is otherwise eligible to fish for groundfish in the BSAI, has an AFA catcher vessel permit with an inshore endorsement, and has no permit sanctions or other type of sanctions against it that would prevent it from fishing for groundfish in the BSAI;

(D) *Qualified catcher vessels.* For the purpose of this paragraph, a catcher vessel is a qualified catcher vessel if it meets the following permit and landing requirements:

(1) *Permit requirements -- (i) AFA permit.* The vessel must have a valid AFA catcher vessel permit with an inshore endorsement;

(ii) *LLP permit.* The vessel must be named on a valid LLP permit authorizing the vessel to engage in trawling for pollock in the Bering Sea subarea and in the Aleutian Islands subarea if the vessel's Aleutian Islands subarea fishing history is used to generate a cooperative allocation for the Aleutian Islands subarea; and

(iii) *Permit sanctions.* The vessel has no permit sanctions that otherwise make it ineligible to engage in fishing for pollock in the BSAI.

(2) *Landing requirements -- (i) Active vessels.* The vessel delivered more pollock harvested in the BSAI inshore directed pollock fishery to the AFA inshore processor designated under paragraph (l)(6)(ii)(B) of this section than to any other shoreside processor or stationary floating processor during the year prior to the year in which the cooperative fishing permit will be in effect; or

(ii) *Inactive vessels.* The vessel delivered more pollock harvested in the BSAI inshore directed pollock fishery to the AFA inshore processor designated under paragraph (l)(6)(ii)(B) of this section than to any other shoreside processor or stationary floating processor during the last year in which the vessel delivered BSAI pollock harvested in the BSAI directed pollock fishery to an AFA inshore processor.

(iii) *Harvests under contract to a cooperative.* Any landings made by a vessel operating under contract to an inshore cooperative in which it was not a member will not be used to determine eligibility under paragraph (l)(6)(ii)(D)(2).

(E) *Business review letter.* A copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the Department of Justice and of any response to such request;

(F) *Vessel information.* For each cooperative catcher vessel member: Vessel name, ADF&G registration number, USCG documentation number, AFA permit number; and

(G) *Certification of notary and applicant.* Signature and printed name of cooperative representative, date of signature, and

notary stamp or seal, signature and date commission expires of a notary public.

(iii) *Duration of cooperative fishing permits.* Inshore cooperative fishing permits are valid for 1 calendar year.

(iv) *Addition or subtraction of vessels.* The cooperative representative must submit a new application to add or subtract a catcher vessel to or from an inshore cooperative fishing permit to the Regional Administrator prior to the application deadline. Upon approval by the Regional Administrator, NMFS will issue an amended cooperative fishing permit.

(v) *Application deadline.* An inshore cooperative fishing permit application and any subsequent contract amendments that add or subtract vessels must be received by the Regional Administrator by December 1 prior to the year in which the inshore cooperative fishing permit will be in effect. Inshore cooperative fishing permit applications or amendments to inshore fishing cooperative permits received after December 1 will not be accepted by the Regional Administrator for the subsequent fishing year.

(7) *Replacement vessels.* (i) In the event of the actual total loss or constructive total loss of an AFA catcher vessel, AFA mothership, or AFA catcher/processor, the owner of such vessel may replace such vessel with a replacement vessel. The replacement vessel will be eligible in the same manner as the original vessel after submission and approval of an application for an AFA replacement vessel, provided that:

(A) Such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;

(B) The replacement vessel was built in the United States and, if ever rebuilt, rebuilt in the United States;

(C) The USCG certificate of documentation with fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;

(D) If the eligible vessel is greater than 165 ft (50.3 meters (m)) in registered length, or more than 750 gross registered tons, or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;

(E) If the eligible vessel is less than 165 ft (50.3 m) in registered length, fewer than 750 gross registered tons, and has engines incapable of producing more than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed by more than 10 percent the registered length, gross registered tons, or shaft horsepower of the eligible vessel; and

(F) If the replacement vessel is already an AFA catcher vessel, the inshore cooperative catch history of both vessels may be merged in the replacement vessel for the purpose of determining inshore cooperative allocations except that a catcher vessel with an endorsement to deliver pollock to AFA catcher/processors may not be simultaneously endorsed to deliver pollock to AFA motherships or AFA inshore processors.

(G) *Replacement of replacement vessels.* In the event that a permitted replacement vessel is lost under the circumstances described in paragraph (I)(7)(i)(A) of this section, the replacement vessel may be replaced according to the provisions of this paragraph (I)(7). However, the maximum length, tonnage, and horsepower of any subsequent replacement vessels are determined by the length, tonnage, and horsepower of the originally qualifying AFA vessel and not by those of any subsequent replacement vessels.

(ii) *Application for permit.* A completed application for an AFA permit for a replacement vessel must contain:

(A) *Identification of lost AFA eligible vessel.*

(I) Name, ADF&G vessel registration number, USCG documentation number, AFA permit number, gross tons, shaft

horsepower, and registered length from USCG documentation of the vessel;

(2) Name(s), tax ID number(s), business mailing address(es), telephone number(s), FAX number(s), and e-mail address(es) of owner(s);

(3) The last year in which the vessel harvested or processed pollock in a BSAI directed pollock fishery; and

(4) Description of how the vessel was lost or destroyed. Attach a USCG Form 2692 or insurance papers to verify the claim.

(B) *Identification of replacement vessel.*

(1) Name, ADF&G vessel registration number, USCG documentation number, gross tons, shaft horsepower, registered length, net tons from USCG documentation, length overall (in feet), and Federal Fisheries Permit number of the vessel;

(2) Name(s), tax ID number(s), business mailing address(es), business telephone number(s), business FAX number(s), and business e-mail address(es) of the owner(s);

(3) YES or NO indication of whether the vessel was built in the United States; and

(4) YES or NO indication of whether the vessel has ever been rebuilt, and if so whether it was rebuilt in the United States.

(C) *Certification of applicant and notary.* Signature(s) and printed name(s) of owner(s) and date of signature; signature, notary stamp or seal of notary public, and date notary commission expires.

(8) *Application evaluations and appeals* -- (i) *Initial evaluation.* The Regional Administrator will evaluate an application for an AFA fishing or processing permit submitted in accordance with paragraph (1) of this section and compare all claims in the application with the information in the official AFA record. Claims in the application that are consistent with information in the official AFA record will be accepted by the Regional Administrator. Inconsistent claims in the application, unless supported by evidence, will not be accepted. An applicant who submits claims based on inconsistent information or fails to submit the information specified in the application for an AFA permit will be provided a single 60-day evidentiary period to submit the specified information, submit evidence to verify the applicant's inconsistent claims, or submit a revised application with claims consistent with information in the official AFA record. An applicant who submits claims that are inconsistent with information in the official AFA record has the burden of proving that the submitted claims are correct.

(ii) *Additional information and evidence.* The Regional Administrator will evaluate the additional information or evidence to support an applicant's claims submitted within the 60-day evidentiary period. If the Regional Administrator determines that the additional information or evidence meets the applicant's burden of proving that the inconsistent claims in his or her application are correct, the official AFA record will be amended and the information will be used in determining whether the applicant is eligible for an AFA permit. However, if the Regional Administrator determines that the additional information or evidence does not meet the applicant's burden of proving that the inconsistent claims in his or her application is correct, the applicant will be notified by an initial administrative determination that the applicant did not meet the burden of proof to change information in the official AFA record.

(iii) *Sixty-day evidentiary period.* The Regional Administrator will specify by letter a 60-day evidentiary period during which an applicant may provide additional information or evidence to support the claims made in his or her application, or to submit a revised application with claims consistent with information in the official AFA record, if the Regional Administrator determines that the applicant did not meet the burden of proving that the information on the application is correct through evidence provided with the application. Also, an applicant who fails to submit required information will have 60 days to provide that information. An applicant will be limited to one 60-day evidentiary period. Additional information or evidence, or a revised application received after the 60-day evidentiary period specified in the letter has expired will not be considered for the purposes of the initial administrative determination.



(iv) *Initial administrative determinations (IAD)*. The Regional Administrator will prepare and send an IAD to the applicant following the expiration of the 60-day evidentiary period if the Regional Administrator determines that the information or evidence provided by the applicant fails to support the applicant's claims and is insufficient to rebut the presumption that the official AFA record is correct or if the additional information, evidence, or revised application is not provided within the time period specified in the letter that notifies the applicant of his or her 60-day evidentiary period. The IAD will indicate the deficiencies in the application, including any deficiencies with the information, the evidence submitted in support of the information, or the revised application. The IAD will also indicate which claims cannot be approved based on the available information or evidence. An applicant who receives an IAD may appeal under the appeals procedures set out at § 679.43. An applicant who avails himself or herself of the opportunity to appeal an IAD will receive an interim AFA permit that authorizes a person to participate in an AFA pollock fishery and will have the specific endorsements and designations based on the claims in his or her application. An interim AFA permit based on claims contrary to the Official Record will expire upon final agency action.

(v) *Effect of cooperative allocation appeals*. An AFA inshore cooperative may appeal the pollock quota share issued to the cooperative under § 679.62; however, final agency action on the appeal must occur prior to December 1 for the results of the appeal to take effect during the subsequent fishing year.

[61 FR 31230, June 19, 1996]

**Editorial Note:** For Federal Register citations affecting § 679.4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

#### Effective Date Note:

At 67 FR 79722, Dec. 30, 2002, § 679.4 was amended by revising paragraph (a)(1)(iii) and adding paragraphs (k)(10) and paragraph (l), effective Jan. 29, 2003, through Dec. 31, 2007.

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## ***TITLE II—FISHERIES***

### ***Subtitle I—Fishery Endorsements***

#### ***SEC. 201. SHORT TITLE.***

*This title may be cited as the “American Fisheries Act”.*

#### ***SEC. 202. STANDARD FOR FISHERY ENDORSEMENTS.***

*(a) STANDARD.—Section 12102(c) of title 46, United States Code, is amended to read as follows—*

*“(c)(1) A vessel owned by a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is not eligible for a fishery endorsement under section 12108 of this title unless at least 75 per centum of the interest in such entity, at each tier of ownership of such entity and in the aggregate, is owned and controlled by citizens of the United States.*

*“(2) The Secretary shall apply section 2(c) of the Shipping Act, 1916 (46 App. U.S.C. 802(c)) in determining under this subsection whether at least 75 per centum of the interest in a corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity is owned and controlled by citizens of the United States. For the purposes of this subsection and of applying the restrictions on con-*

*trolling interest in section 2(c) of such Act, the terms ‘control’ or ‘controlled’—*

*“(A) shall include—*

*“(i) the right to direct the business of the entity which owns the vessel;*

*“(ii) the right to limit the actions of or replace the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity which owns the vessel; or*

*“(iii) the right to direct the transfer, operation or manning of a vessel with a fishery endorsement; and*

*“(B) shall not include the right to simply participate in the activities under subparagraph (A), or the use by a mortgagee under paragraph (4) of loan covenants approved by the Secretary.*

*“(3) A fishery endorsement for a vessel that is chartered or leased to an individual who is not a citizen of the United States or to an entity that is not eligible to own a vessel with a fishery endorsement and used as a fishing vessel shall be invalid immediately upon such use.*

*“(4)(A) An individual or entity that is otherwise eligible to own a vessel with a fishery endorsement shall be ineligible by reason of an instrument or evidence of indebt-*

*edness, secured by a mortgage of the vessel to a trustee eligible to own a vessel with a fishery endorsement that is issued, assigned, transferred or held in trust for a person not eligible to own a vessel with a fishery endorsement, unless the Secretary determines that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel and that the trustee—*

*“(i) is organized as a corporation, and is doing business, under the laws of the United States or of a State;*

*“(ii) is authorized under those laws to exercise corporate trust powers;*

*“(iii) is subject to supervision or examination by an official of the United States Government or a State;*

*“(iv) has a combined capital and surplus (as stated in its most recent published report of condition) of at least \$3,000,000; and*

*“(v) meets any other requirements prescribed by the Secretary.*

*“(B) A vessel with a fishery endorsement may be operated by a trustee only with the approval of the Secretary.*

*“(C) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under section 31322(a)(4) of this title only with the approval of the Secretary.*

*“(D) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this paragraph is voidable by the Secretary.*

*“(5) The requirements of this subsection shall not apply to a vessel when it is engaged in fisheries in the exclusive economic zone under the authority of the Western Pacific Fishery Management Council established under section 302(a)(1)(H) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(H)) or to a purse seine vessel when it is engaged in tuna fishing in the Pacific Ocean outside the exclusive economic zone of the United States or pursuant to the South Pacific Regional Fisheries Treaty, provided that the owner of the vessel continues to comply with the eligibility requirements for a fishery endorsement under the federal law that was in effect on October 1, 1998. A fishery endorsement issued by the Secretary pursuant to this paragraph shall be valid for engaging only in fisheries in the exclusive economic zone under the authority of such*

*Council, in such tuna fishing in the Pacific Ocean, or pursuant to such Treaty.*

*“(6) A vessel greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower is not eligible for a fishery endorsement under section 12108 of this title unless—*

*“(A)(i) a certificate of documentation was issued for the vessel and endorsed with a fishery endorsement that was effective on September 25, 1997;*

*“(ii) the vessel is not placed under foreign registry after the date of the enactment of the American Fisheries Act; and*

*“(iii) in the event of the invalidation of the fishery endorsement after the date of the enactment of the American Fisheries Act, application is made for a new fishery endorsement within fifteen (15) business days of such invalidation; or*

*“(B) the owner of such vessel demonstrates to the Secretary that the regional fishery management council of jurisdiction established under section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)) has recommended after the date of the enactment of the American Fisheries Act, and the Secretary of Com-*

*merce has approved, conservation and management measures in accordance with such Act to allow such vessel to be used in fisheries under such council's authority."*

(b) *PREFERRED MORTGAGE.*—Section 31322(a) of title 46, United States Code is amended—

(1) *by striking "and" at the end of paragraph (2);*

(2) *by striking the period at the end of paragraph (3)(B) and inserting in lieu thereof a semicolon and "and"; and*

(3) *by inserting at the end the following new paragraph:*

*"(4) with respect to a vessel with a fishery endorsement that is 100 feet or greater in registered length, has as the mortgagee—*

*"(A) a person eligible to own a vessel with a fishery endorsement under section 12102(c) of this title;*

*"(B) a state or federally chartered financial institution that satisfies the controlling interest criteria of section 2(b) of the Shipping Act, 1916 (46 U.S.C. 802(b)); or*

*"(C) a person that complies with the provisions of section 12102(c)(4) of this title."*

**SEC. 203. ENFORCEMENT OF STANDARD.**

(a) *EFFECTIVE DATE.*—The amendments made by section 202 shall take effect on October 1, 2001.

(b) *REGULATIONS.*—Final regulations to implement this subtitle shall be published in the Federal Register by April 1, 2000. Letter rulings and other interim interpretations about the effect of this subtitle and amendments made by this subtitle on specific vessels may not be issued prior to the publication of such final regulations. The regulations to implement this subtitle shall prohibit impermissible transfers of ownership or control, specify any transactions which require prior approval of an implementing agency, identify transactions which do not require prior agency approval, and to the extent practicable, minimize disruptions to the commercial fishing industry, to the traditional financing arrangements of such industry, and to the opportunity to form fishery cooperatives.

(c) *VESSELS MEASURING 100 FEET AND GREATER.*—

(1) *The Administrator of the Maritime Administration shall administer section 12102(c) of title 46, United States Code, as amended by this subtitle, with respect to vessels 100 feet or greater in registered length. The owner of each such vessel shall file a statement of citizenship setting forth all relevant facts regarding vessel ownership and control with the Administrator of the Maritime Administration on an annual basis to demonstrate compliance with such sec-*



*tion. Regulations to implement this subsection shall conform to the extent practicable with the regulations establishing the form of citizenship affidavit set forth in part 355 of title 46, Code of Federal Regulations, as in effect on September 25, 1997, except that the form of the statement under this paragraph shall be written in a manner to allow the owner of each such vessel to satisfy any annual renewal requirements for a certificate of documentation for such vessel and to comply with this subsection and section 12102(c) of title 46, United States Code, as amended by this Act, and shall not be required to be notarized.*

*(2) After October 1, 2001, transfers of ownership and control of vessels subject to section 12102(c) of title 46, United States Code, as amended by this Act, which are 100 feet or greater in registered length, shall be rigorously scrutinized for violations of such section, with particular attention given to leases, charters, mortgages, financing, and similar arrangements, to the control of persons not eligible to own a vessel with a fishery endorsement under section 12102(c) of title 46, United States Code, as amended by this Act, over the management, sales, financing, or other operations of an entity, and to contracts involving the purchase over extended periods of time of all, or substantially all, of the living marine resources harvested by a fishing vessel.*

*(d) VESSELS MEASURING LESS THAN 100 FEET.—*

*The Secretary of Transportation shall establish such requirements as are reasonable and necessary to demonstrate compliance with section 12102(c) of title 46, United States Code, as amended by this Act, with respect to vessels measuring less than 100 feet in registered length, and shall seek to minimize the administrative burden on individuals who own and operate such vessels.*

*(e) ENDORSEMENTS REVOKED.—The Secretary of*

*Transportation shall revoke the fishery endorsement of any vessel subject to section 12102(c) of title 46, United States Code, as amended by this Act, whose owner does not comply with such section.*

*(f) PENALTY.—Section 12122 of title 46, United*

*States Code, is amended by inserting at the end the following new subsection:*

*“(c) In addition to penalties under subsections (a) and (b), the owner of a documented vessel for which a fishery endorsement has been issued is liable to the United States Government for a civil penalty of up to \$100,000 for each day in which such vessel has engaged in fishing (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) within the exclusive economic zone of the United States, if the owner or the representative or agent*

*of the owner knowingly falsified or concealed a material fact, or knowingly made a false statement or representation with respect to the eligibility of the vessel under section 12102(c) of this title in applying for or applying to renew such fishery endorsement.”.*

*(g) CERTAIN VESSELS.—The vessels EXCELLENCE (United States official number 967502), GOLDEN ALASKA (United States official number 651041), OCEAN PHOENIX (United States official number 296779), NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act) shall be exempt from section 12102(c), as amended by this Act, until such time after October 1, 2001 as more than 50 percent of the interest owned and controlled in the vessel changes, provided that the vessel maintains eligibility for a fishery endorsement under the federal law that was in effect the day before the date of the enactment of this Act, and unless, in the case of the NORTHERN TRAVELER or the NORTHERN VOYAGER (or such replacement), the vessel is used in any fishery under the authority of a regional fishery management council other than the New England Fishery Management Council or Mid-Atlantic Fishery*

*Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A) and (B)), or in the case of the EXCELLENCE, GOLDEN ALASKA, or OCEAN PHOENIX, the vessel is used to harvest any fish.*

**SEC. 204. REPEAL OF OWNERSHIP SAVINGS CLAUSE.**

*(a) REPEAL.—Section 7(b) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100–239; 46 U.S.C. 12102 note) is hereby repealed.*

*(b) EFFECTIVE DATE.—Subsection (a) shall take effect on October 1, 2001.*

***Subtitle II—Bering Sea Pollock Fishery***

**SEC. 205. DEFINITIONS.**

*As used in this subtitle—*

*(1) the term “Bering Sea and Aleutian Islands Management Area” has the same meaning as the meaning given for such term in part 679.2 of title 50, Code of Federal Regulations, as in effect on October 1, 1998;*

*(2) the term “catcher/processor” means a vessel that is used for harvesting fish and processing that fish;*

(3) the term “catcher vessel” means a vessel that is used for harvesting fish and that does not process pollock onboard;

(4) the term “directed pollock fishery” means the fishery for the directed fishing allowances allocated under paragraphs (1), (2), and (3) of section 206(b);

(5) the term “harvest” means to commercially engage in the catching, taking, or harvesting of fish or any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish;

(6) the term “inshore component” means the following categories that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area:

(A) shoreside processors, including those eligible under section 208(f); and

(B) vessels less than 125 feet in length overall that process less than 126 metric tons per week in round-weight equivalents of an aggregate amount of pollock and Pacific cod;

(7) the term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(8) the term “mothership” means a vessel that receives and processes fish from other vessels in the ex-

*clusive economic zone of the United States and is not used for, or equipped to be used for, harvesting fish;*

*(9) the term “North Pacific Council” means the North Pacific Fishery Management Council established under section 302(a)(1)(G) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(G));*

*(10) the term “offshore component” means all vessels not included in the definition of “inshore component” that process groundfish harvested in the Bering Sea and Aleutian Islands Management Area;*

*(11) the term “Secretary” means the Secretary of Commerce; and*

*(12) the term “shoreside processor” means any person or vessel that receives unprocessed fish, except catcher/processors, motherships, buying stations, restaurants, or persons receiving fish for personal consumption or bait.*

**SEC. 206. ALLOCATIONS.**

*(a) POLLOCK COMMUNITY DEVELOPMENT QUOTA.—Effective January 1, 1999, 10 percent of the total allowable catch of pollock in the Bering Sea and Aleutian Islands Management Area shall be allocated as a directed fishing allowance to the western Alaska community development quota program established under section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).*

(b) *INSHORE/OFFSHORE.*—Effective January 1, 1999, the remainder of the pollock total allowable catch in the Bering Sea and Aleutian Islands Management Area, after the subtraction of the allocation under subsection (a) and the subtraction of allowances for the incidental catch of pollock by vessels harvesting other groundfish species (including under the western Alaska community development quota program) shall be allocated as directed fishing allowances as follows—

(1) 50 percent to catcher vessels harvesting pollock for processing by the inshore component;

(2) 40 percent to catcher/processors and catcher vessels harvesting pollock for processing by catcher/processors in the offshore component; and

(3) 10 percent to catcher vessels harvesting pollock for processing by motherships in the offshore component.

**SEC. 207. BUYOUT.**

(a) *FEDERAL LOAN.*—Under the authority of sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) and notwithstanding the requirements of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a), the Secretary shall, subject to the availability of appropriations for the cost of the direct

loan, provide up to \$75,000,000 through a direct loan obligation for the payments required under subsection (d).

(b) *INSHORE FEE SYSTEM.*—Notwithstanding the requirements of section 304(d) or 312 of the Magnuson-Stevens Act (16 U.S.C. 1854(d) and 1861a), the Secretary shall establish a fee for the repayment of such loan obligation which—

(1) shall be six-tenths (0.6) of one cent for each pound round-weight of all pollock harvested from the directed fishing allowance under section 206(b)(1); and

(2) shall begin with such pollock harvested on or after January 1, 2000, and continue without interruption until such loan obligation is fully repaid; and

(3) shall be collected in accordance with section 312(d)(2)(C) of the Magnuson-Stevens Act (16 U.S.C. 1861a(d)(2)(C)) and in accordance with such other conditions as the Secretary establishes.

(c) *FEDERAL APPROPRIATION.*—Under the authority of section 312(c)(1)(B) of the Magnuson-Stevens Act (16 U.S.C. 1861a(c)(1)(B)), there are authorized to be appropriated \$20,000,000 for the payments required under subsection (d).



*(d) PAYMENTS.—Subject to the availability of appropriations for the cost of the direct loan under subsection (a) and funds under subsection (c), the Secretary shall pay by not later than December 31, 1998—*

*(1) up to \$90,000,000 to the owner or owners of the catcher/processors listed in paragraphs (1) through (9) of section 209, in such manner as the owner or owners, with the concurrence of the Secretary, agree, except that—*

*(A) the portion of such payment with respect to the catcher/processor listed in paragraph (1) of section 209 shall be made only after the owner submits a written certification acceptable to the Secretary that neither the owner nor a purchaser from the owner intends to use such catcher/processor outside of the exclusive economic zone of the United States to harvest any stock of fish (as such term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) that occurs within the exclusive economic zone of the United States; and*

*(B) the portion of such payment with respect to the catcher/processors listed in paragraphs (2) through (9) of section 209 shall be*

*made only after the owner or owners of such catcher/processors submit a written certification acceptable to the Secretary that such catcher/processors will be scrapped by December 31, 2000 and will not, before that date, be used to harvest or process any fish; and*

*(2)(A) if a contract has been filed under section 210(a) by the catcher/processors listed in section 208(e), \$5,000,000 to the owner or owners of the catcher/processors listed in paragraphs (10) through (14) of such section in such manner as the owner or owners, with the concurrence of the Secretary, agree; or*

*(B) if such a contract has not been filed by such date, \$5,000,000 to the owners of the catcher vessels eligible under section 208(b) and the catcher/processors eligible under paragraphs (1) through (20) of section 208(e), divided based on the amount of the harvest of pollock in the directed pollock fishery by each such vessel in 1997 in such manner as the Secretary deems appropriate,*

*except that any such payments shall be reduced by any obligation to the federal government that has not been satisfied by such owner or owners of any such vessels.*

*(e) PENALTY.—If the catcher/processor under paragraph (1) of section 209 is used outside of the exclusive economic zone of the United States to harvest any stock of fish that occurs within the exclusive economic zone of the United States while the owner who received the payment under subsection (d)(1)(A) has an ownership interest in such vessel, or if the catcher/processors listed in paragraphs (2) through (9) of section 209 are determined by the Secretary not to have been scrapped by December 31, 2000 or to have been used in a manner inconsistent with subsection (d)(1)(B), the Secretary may suspend any or all of the federal permits which allow any vessels owned in whole or in part by the owner or owners who received payments under subsection (d)(1) to harvest or process fish within the exclusive economic zone of the United States until such time as the obligations of such owner or owners under subsection (d)(1) have been fulfilled to the satisfaction of the Secretary.*

*(f) PROGRAM DEFINED; MATURITY.—For the purposes of section 1111 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f), the fishing capacity reduction program in this subtitle shall be within the meaning of the term “program” as defined and used in such section. Notwithstanding section 1111(b)(4) of such Act (46 U.S.C.*

*App. 1279f(b)(4)), the debt obligation under subsection (a) of this section may have a maturity not to exceed 30 years.*

*(g) FISHERY CAPACITY REDUCTION REGULATIONS.—*

*The Secretary of Commerce shall by not later than October 15, 1998 publish proposed regulations to implement subsections (b), (c), (d), and (e) of section 312 of the Magnuson-Stevens Act (16 U.S.C. 1861a) and sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g).*

***SEC. 208. ELIGIBLE VESSELS AND PROCESSORS.***

*(a) CATCHER VESSELS ONSHORE.—Effective January 1, 2000, only catcher vessels which are—*

*(1) determined by the Secretary—*

*(A) to have delivered at least 250 metric tons of pollock; or*

*(B) to be less than 60 feet in length overall and to have delivered at least 40 metric tons of pollock,*

*for processing by the inshore component in the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;*

*(2) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and*

(3) *not listed in subsection (b), shall be eligible to harvest the directed fishing allowance under section 206(b)(1) pursuant to a federal fishing permit.*

(b) *CATCHER VESSELS TO CATCHER/PROCESSORS.—Effective January 1, 1999, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:*

(1) *AMERICAN CHALLENGER (United States official number 615085);*

(2) *FORUM STAR (United States official number 925863);*

(3) *MUIR MILACH (United States official number 611524);*

(4) *NEAHKAHNIE (United States official number 599534);*

(5) *OCEAN HARVESTER (United States official number 549892);*

(6) *SEA STORM (United States official number 628959);*

(7) *TRACY ANNE (United States official number 904859); and*

(8) *any catcher vessel—*

*(A) determined by the Secretary to have delivered at least 250 metric tons and at least 75 percent of the pollock it harvested in the directed pollock fishery in 1997 to catcher/processors for processing by the offshore component; and*

*(B) eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary.*

*(c) CATCHER VESSELS TO MOTHERSHIPS.—Effective January 1, 2000, only the following catcher vessels shall be eligible to harvest the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:*

*(1) ALEUTIAN CHALLENGER (United States official number 603820);*

*(2) ALYESKA (United States official number 560237);*

*(3) AMBER DAWN (United States official number 529425);*

*(4) AMERICAN BEAUTY (United States official number 613847);*

*(5) CALIFORNIA HORIZON (United States official number 590758);*

*(6) MAR-GUN (United States official number 525608);*

(7) *MARGARET LYN* (United States official number 615563);

(8) *MARK I* (United States official number 509552);

(9) *MISTY DAWN* (United States official number 926647);

(10) *NORDIC FURY* (United States official number 542651);

(11) *OCEAN LEADER* (United States official number 561518);

(12) *OCEANIC* (United States official number 602279);

(13) *PACIFIC ALLIANCE* (United States official number 612084);

(14) *PACIFIC CHALLENGER* (United States official number 518937);

(15) *PACIFIC FURY* (United States official number 561934);

(16) *PAPADO II* (United States official number 536161);

(17) *TRAVELER* (United States official number 929356);

(18) *VESTERAALLEN* (United States official number 611642);

(19) *WESTERN DAWN* (United States official number 524423); and

(20) *any vessel*—

(A) *determined by the Secretary to have delivered at least 250 metric tons of pollock for processing by motherships in the offshore component of the directed pollock fishery in any one of the years 1996 or 1997, or between January 1, 1998 and September 1, 1998;*

(B) *eligible to harvest pollock in the directed pollock fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary; and*

(C) *not listed in subsection (b).*

(d) *MOTHERSHIPS.*—*Effective January 1, 2000, only the following motherships shall be eligible to process the directed fishing allowance under section 206(b)(3) pursuant to a federal fishing permit:*

(1) *EXCELLENCE* (United States official number 967502);

(2) *GOLDEN ALASKA* (United States official number 651041); and

(3) *OCEAN PHOENIX* (United States official number 296779).



(e) *CATCHER/PROCESSORS*.—Effective January 1, 1999, only the following catcher/processors shall be eligible to harvest the directed fishing allowance under section 206(b)(2) pursuant to a federal fishing permit:

(1) *AMERICAN DYNASTY* (United States official number 951307);

(2) *KATIE ANN* (United States official number 518441);

(3) *AMERICAN TRIUMPH* (United States official number 646737);

(4) *NORTHERN EAGLE* (United States official number 506694);

(5) *NORTHERN HAWK* (United States official number 643771);

(6) *NORTHERN JAEGER* (United States official number 521069);

(7) *OCEAN ROVER* (United States official number 552100);

(8) *ALASKA OCEAN* (United States official number 637856);

(9) *ENDURANCE* (United States official number 592206);

(10) *AMERICAN ENTERPRISE* (United States official number 594803);

(11) *ISLAND ENTERPRISE* (United States official number 610290);

(12) *KODIAK ENTERPRISE* (United States official number 579450);

(13) *SEATTLE ENTERPRISE* (United States official number 904767);

(14) *US ENTERPRISE* (United States official number 921112);

(15) *ARCTIC STORM* (United States official number 903511);

(16) *ARCTIC FJORD* (United States official number 940866);

(17) *NORTHERN GLACIER* (United States official number 663457);

(18) *PACIFIC GLACIER* (United States official number 933627);

(19) *HIGHLAND LIGHT* (United States official number 577044);

(20) *STARBOUND* (United States official number 944658); and

(21) any catcher/processor not listed in this subsection and determined by the Secretary to have harvested more than 2,000 metric tons of the pollock in the 1997 directed pollock fishery and determined to be eligible to harvest pollock in the directed pollock fish-

*ery under the license limitation program recommended by the North Pacific Council and approved by the Secretary, except that catcher/processors eligible under this paragraph shall be prohibited from harvesting in the aggregate a total of more than one-half (0.5) of a percent of the pollock apportioned for the directed pollock fishery under section 206(b)(2).*

*Notwithstanding section 213(a), failure to satisfy the requirements of section 4(a) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100–239; 46 U.S.C. 12108 note) shall not make a catcher/processor listed under this subsection ineligible for a fishery endorsement.*

*(f) SHORESIDE PROCESSORS.—(1) Effective January 1, 2000 and except as provided in paragraph (2), the catcher vessels eligible under subsection (a) may deliver pollock harvested from the directed fishing allowance under section 206(b)(1) only to—*

*(A) shoreside processors (including vessels in a single geographic location in Alaska State waters) determined by the Secretary to have processed more than 2,000 metric tons round-weight of pollock in the inshore component of the directed pollock fishery during each of 1996 and 1997; and*

*(B) shoreside processors determined by the Secretary to have processed pollock in the inshore component of the directed pollock fishery in 1996 or 1997, but to have processed less than 2,000 metric tons round-weight of such pollock in each year, except that effective January 1, 2000, each such shoreside processor may not process more than 2,000 metric tons round-weight from such directed fishing allowance in any year.*

*(2) Upon recommendation by the North Pacific Council, the Secretary may approve measures to allow catcher vessels eligible under subsection (a) to deliver pollock harvested from the directed fishing allowance under section 206(b)(1) to shoreside processors not eligible under paragraph (1) if the total allowable catch for pollock in the Bering Sea and Aleutian Islands Management Area increases by more than 10 percent above the total allowable catch in such fishery in 1997, or in the event of the actual total loss or constructive total loss of a shoreside processor eligible under paragraph (1)(A).*

*(g) REPLACEMENT VESSELS.—In the event of the actual total loss or constructive total loss of a vessel eligible under subsections (a), (b), (c), (d), or (e), the owner of such vessel may replace such vessel with a vessel which shall be*

*eligible in the same manner under that subsection as the eligible vessel, provided that—*

*(1) such loss was caused by an act of God, an act of war, a collision, an act or omission of a party other than the owner or agent of the vessel, or any other event not caused by the willful misconduct of the owner or agent;*

*(2) the replacement vessel was built in the United States and if ever rebuilt, was rebuilt in the United States;*

*(3) the fishery endorsement for the replacement vessel is issued within 36 months of the end of the last year in which the eligible vessel harvested or processed pollock in the directed pollock fishery;*

*(4) if the eligible vessel is greater than 165 feet in registered length, of more than 750 gross registered tons, or has engines capable of producing more than 3,000 shaft horsepower, the replacement vessel is of the same or lesser registered length, gross registered tons, and shaft horsepower;*

*(5) if the eligible vessel is less than 165 feet in registered length, of fewer than 750 gross registered tons, and has engines incapable of producing less than 3,000 shaft horsepower, the replacement vessel is less than each of such thresholds and does not exceed*

*by more than 10 percent the registered length, gross registered tons or shaft horsepower of the eligible vessel; and*

*(6) the replacement vessel otherwise qualifies under federal law for a fishery endorsement, including under section 12102(c) of title 46, United States Code, as amended by this Act.*

*(h) ELIGIBILITY DURING IMPLEMENTATION.—In the event the Secretary is unable to make a final determination about the eligibility of a vessel under subsection (b)(8) or subsection (e)(21) before January 1, 1999, or a vessel or shoreside processor under subsection (a), subsection (c)(21), or subsection (f) before January 1, 2000, such vessel or shoreside processor, upon the filing of an application for eligibility, shall be eligible to participate in the directed pollock fishery pending final determination by the Secretary with respect to such vessel or shoreside processor.*

*(i) ELIGIBILITY NOT A RIGHT.—Eligibility under this section shall not be construed—*

*(1) to confer any right of compensation, monetary or otherwise, to the owner of any catcher vessel, catcher/processor, mothership, or shoreside processor if such eligibility is revoked or limited in any way, including through the revocation or limitation of a fishery endorsement or any federal permit or license;*

(2) *to create any right, title, or interest in or to any fish in any fishery; or*

(3) *to waive any provision of law otherwise applicable to such catcher vessel, catcher/processor, mothership, or shoreside processor.*

***SEC. 209. LIST OF INELIGIBLE VESSELS.***

*Effective December 31, 1998, the following vessels shall be permanently ineligible for fishery endorsements, and any claims (including relating to catch history) associated with such vessels that could qualify any owners of such vessels for any present or future limited access system permit in any fishery within the exclusive economic zone of the United States (including a vessel moratorium permit or license limitation program permit in fisheries under the authority of the North Pacific Council) are hereby extinguished:*

(1) *AMERICAN EMPRESS (United States official number 942347);*

(2) *PACIFIC SCOUT (United States official number 934772);*

(3) *PACIFIC EXPLORER (United States official number 942592);*

(4) *PACIFIC NAVIGATOR (United States official number 592204);*

(5) *VICTORIA ANN* (United States official number 592207);

(6) *ELIZABETH ANN* (United States official number 534721);

(7) *CHRISTINA ANN* (United States official number 653045);

(8) *REBECCA ANN* (United States official number 592205); and

(9) *BROWNS POINT* (United States official number 587440).

***SEC. 210. FISHERY COOPERATIVE LIMITATIONS.***

(a) *PUBLIC NOTICE.*—(1) Any contract implementing a fishery cooperative under section 1 of the Act of June 25, 1934 (15 U.S.C. 521) in the directed pollock fishery and any material modifications to any such contract shall be filed not less than 30 days prior to the start of fishing under the contract with the North Pacific Council and with the Secretary, together with a copy of a letter from a party to the contract requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request. Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a) or any other provision of law, but taking into account the interest of parties to any such contract in protecting the con-



*fidentiality of proprietary information, the North Pacific Council and Secretary shall—*

*(A) make available to the public such information about the contract, contract modifications, or fishery cooperative the North Pacific Council and Secretary deem appropriate, which at a minimum shall include a list of the parties to the contract, a list of the vessels involved, and the amount of pollock and other fish to be harvested by each party to such contract; and*

*(B) make available to the public in such manner as the North Pacific Council and Secretary deem appropriate information about the harvest by vessels under a fishery cooperative of all species (including bycatch) in the directed pollock fishery on a vessel-by-vessel basis.*

*(b) CATCHER VESSELS ONSHORE.—*

*(1) CATCHER VESSEL COOPERATIVES.—Effective January 1, 2000, upon the filing of a contract implementing a fishery cooperative under subsection (a) which—*

*(A) is signed by the owners of 80 percent or more of the qualified catcher vessels that delivered pollock for processing by a shoreside processor in the directed pollock fishery in the year*

*prior to the year in which the fishery cooperative will be in effect; and*

*(B) specifies, except as provided in paragraph (6), that such catcher vessels will deliver pollock in the directed pollock fishery only to such shoreside processor during the year in which the fishery cooperative will be in effect and that such shoreside processor has agreed to process such pollock,*

*the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component during 1995, 1996, and 1997 relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from har-*

*vesting in aggregate in excess of such percentage of such directed fishing allowance.*

(2) *VOLUNTARY PARTICIPATION.*—*Any contract implementing a fishery cooperative under paragraph (1) must allow the owners of other qualified catcher vessels to enter into such contract after it is filed and before the calendar year in which fishing will begin under the same terms and conditions as the owners of the qualified catcher vessels who entered into such contract upon filing.*

(3) *QUALIFIED CATCHER VESSEL.*—*For the purposes of this subsection, a catcher vessel shall be considered a “qualified catcher vessel” if, during the year prior to the year in which the fishery cooperative will be in effect, it delivered more pollock to the shoreside processor to which it will deliver pollock under the fishery cooperative in paragraph (1) than to any other shoreside processor.*

(4) *CONSIDERATION OF CERTAIN VESSELS.*—*Any contract implementing a fishery cooperative under paragraph (1) which has been entered into by the owner of a qualified catcher vessel eligible under section 208(a) that harvested pollock for processing by catcher/processors or motherships in the directed pollock fishery during 1995, 1996, and 1997 shall, to the*

*extent practicable, provide fair and equitable terms and conditions for the owner of such qualified catcher vessel.*

*(5) OPEN ACCESS.—A catcher vessel eligible under section 208(a) the catch history of which has not been attributed to a fishery cooperative under paragraph (1) may be used to deliver pollock harvested by such vessel from the directed fishing allowance under section 206(b)(1) (other than pollock reserved under paragraph (1) for a fishery cooperative) to any of the shoreside processors eligible under section 208(f). A catcher vessel eligible under section 208(a) the catch history of which has been attributed to a fishery cooperative under paragraph (1) during any calendar year may not harvest any pollock apportioned under section 206(b)(1) in such calendar year other than the pollock reserved under paragraph (1) for such fishery cooperative.*

*(6) TRANSFER OF COOPERATIVE HARVEST.—A contract implementing a fishery cooperative under paragraph (1) may, notwithstanding the other provisions of this subsection, provide for up to 10 percent of the pollock harvested under such cooperative to be processed by a shoreside processor eligible under sec-*

*tion 208(f) other than the shoreside processor to which pollock will be delivered under paragraph (1).*

*(c) CATCHER VESSELS TO CATCHER/PROCESSORS.—*

*Effective January 1, 1999, not less than 8.5 percent of the directed fishing allowance under section 206(b)(2) shall be available for harvest only by the catcher vessels eligible under section 208(b). The owners of such catcher vessels may participate in a fishery cooperative with the owners of the catcher/processors eligible under paragraphs (1) through (20) of the section 208(e). The owners of such catcher vessels may participate in a fishery cooperative that will be in effect during 1999 only if the contract implementing such cooperative establishes penalties to prevent such vessels from exceeding in 1999 the traditional levels harvested by such vessels in all other fisheries in the exclusive economic zone of the United States.*

*(d) CATCHER VESSELS TO MOTHERSHIPS.—*

*(1) PROCESSING.—Effective January 1, 2000, the authority in section 1 of the Act of June 25, 1934 (48 Stat. 1213 and 1214; 15 U.S.C. 521 et seq.) shall extend to processing by motherships eligible under section 208(d) solely for the purposes of forming or participating in a fishery cooperative in the directed pollock fishery upon the filing of a contract to implement a fishery cooperative under subsection (a) which has*

*been entered into by the owners of 80 percent or more of the catcher vessels eligible under section 208(c) for the duration of such contract, provided that such owners agree to the terms of the fishery cooperative involving processing by the motherships.*

*(2) VOLUNTARY PARTICIPATION.—Any contract implementing a fishery cooperative described in paragraph (1) must allow the owners of any other catcher vessels eligible under section 208(c) to enter such contract after it is filed and before the calendar year in which fishing will begin under the same terms and conditions as the owners of the catcher vessels who entered into such contract upon filing.*

*(e) EXCESSIVE SHARES.—*

*(1) HARVESTING.—No particular individual, corporation, or other entity may harvest, through a fishery cooperative or otherwise, a total of more than 17.5 percent of the pollock available to be harvested in the directed pollock fishery.*

*(2) PROCESSING.—Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from processing*

*an excessive share of the pollock available to be harvested in the directed pollock fishery. In the event the North Pacific Council recommends and the Secretary approves an excessive processing share that is lower than 17.5 percent, any individual or entity that previously processed a percentage greater than such share shall be allowed to continue to process such percentage, except that their percentage may not exceed 17.5 percent (excluding pollock processed by catcher/processors that was harvested in the directed pollock fishery by catcher vessels eligible under 208(b)) and shall be reduced if their percentage decreases, until their percentage is below such share. In recommending the excessive processing share, the North Pacific Council shall consider the need of catcher vessels in the directed pollock fishery to have competitive buyers for the pollock harvested by such vessels.*

*(3) REVIEW BY MARITIME ADMINISTRATION.—At the request of the North Pacific Council or the Secretary, any individual or entity believed by such Council or the Secretary to have exceeded the percentage in either paragraph (1) or (2) shall submit such information to the Administrator of the Maritime Administration as the Administrator deems appropriate to allow the Administrator to determine whether such*

*individual or entity has exceeded either such percentage. The Administrator shall make a finding as soon as practicable upon such request and shall submit such finding to the North Pacific Council and the Secretary. For the purposes of this subsection, any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity.*

*(f) LANDING TAX JURISDICTION.—Any contract filed under subsection (a) shall include a contract clause under which the parties to the contract agree to make payments to the State of Alaska for any pollock harvested in the directed pollock fishery which is not landed in the State of Alaska, in amounts which would otherwise accrue had the pollock been landed in the State of Alaska subject to any landing taxes established under Alaska law. Failure to include such a contract clause or for such amounts to be paid shall result in a revocation of the authority to form fishery cooperatives under section 1 of the Act of June 25, 1934 (15 U.S.C. 521 et seq.).*

*(g) PENALTIES.—The violation of any of the requirements of this section or section 211 shall be considered the commission of an act prohibited by section 307 of the Magnuson-Stevens Act (16 U.S.C. 1857). In addition to the*



*civil penalties and permit sanctions applicable to prohibited acts under section 308 of such Act (16 U.S.C. 1858), any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have violated a requirement of this section shall be subject to the forfeiture to the Secretary of Commerce of any fish harvested or processed during the commission of such act.*

***SEC. 211. PROTECTIONS FOR OTHER FISHERIES; CONSERVATION MEASURES.***

*(a) GENERAL.—The North Pacific Council shall recommend for approval by the Secretary such conservation and management measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act or fishery cooperatives in the directed pollock fishery.*

*(b) CATCHER/PROCESSOR RESTRICTIONS.—*

*(1) GENERAL.—The restrictions in this subsection shall take effect on January 1, 1999 and shall remain in effect thereafter except that they may be superceded (with the exception of paragraph (4)) by conservation and management measures recommended after the date of the enactment of this Act by the*

*North Pacific Council and approved by the Secretary in accordance with the Magnuson-Stevens Act.*

*(2) BERING SEA FISHING.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from, in the aggregate—*

*(A) exceeding the percentage of the harvest available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total harvest by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount available to be harvested by the offshore component in the fishery in 1995, 1996, and 1997;*

*(B) exceeding the percentage of the prohibited species available in the offshore component of any Bering Sea and Aleutian Islands groundfish fishery (other than the pollock fishery) that is equivalent to the total of the prohibited species harvested by such catcher/processors and the catcher/processors listed in section 209 in the fishery in 1995, 1996, and 1997 relative to the total amount of prohibited species available to be*

*harvested by the offshore component in the fishery in 1995, 1996, and 1997; and*

*(C) fishing for Atka mackerel in the eastern area of the Bering Sea and Aleutian Islands and from exceeding the following percentages of the directed harvest available in the Bering Sea and Aleutian Islands Atka mackerel fishery—*

*(i) 11.5 percent in the central area;*

*and*

*(ii) 20 percent in the western area.*

*(3) BERING SEA PROCESSING.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—*

*(A) processing any of the directed fishing allowances under paragraphs (1) or (3) of section 206(b); and*

*(B) processing any species of crab harvested in the Bering Sea and Aleutian Islands Management Area.*

*(4) GULF OF ALASKA.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) are hereby prohibited from—*

*(A) harvesting any fish in the Gulf of Alaska;*

*(B) processing any groundfish harvested from the portion of the exclusive economic zone off Alaska known as area 630 under the fishery management plan for Gulf of Alaska groundfish; or*

*(C) processing any pollock in the Gulf of Alaska (other than as bycatch in non-pollock groundfish fisheries) or processing, in the aggregate, a total of more than 10 percent of the cod harvested from areas 610, 620, and 640 of the Gulf of Alaska under the fishery management plan for Gulf of Alaska groundfish.*

*(5) FISHERIES OTHER THAN NORTH PACIFIC.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) and motherships eligible under section 208(d) are hereby prohibited from harvesting fish in any fishery under the authority of any regional fishery management council established under section 302(a) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)) other than the North Pacific Council, except for the Pacific whiting fishery, and from processing fish in any fishery under the authority of any such regional fishery management council other than the North Pacific Council, except in the Pacific whiting fishery, unless the catcher/processor or mothership*

*is authorized to harvest or process fish under a fishery management plan recommended by the regional fishery management council of jurisdiction and approved by the Secretary.*

*(6) OBSERVERS AND SCALES.—The catcher/processors eligible under paragraphs (1) through (20) of section 208(e) shall—*

*(A) have two observers onboard at all times while groundfish is being harvested, processed, or received from another vessel in any fishery under the authority of the North Pacific Council; and*

*(B) weigh its catch on a scale onboard approved by the National Marine Fisheries Service while harvesting groundfish in fisheries under the authority of the North Pacific Council.*

*This paragraph shall take effect on January 1, 1999 for catcher/processors eligible under paragraphs (1) through (20) of section 208(e) that will harvest pollock allocated under section 206(a) in 1999, and shall take effect on January 1, 2000 for all other catcher/processors eligible under such paragraphs of section 208(e).*

*(c) CATCHER VESSEL AND SHORESIDE PROCESSOR RESTRICTIONS.—*

(1) *REQUIRED COUNCIL RECOMMENDATIONS.*—

*By not later than July 1, 1999, the North Pacific Council shall recommend for approval by the Secretary conservation and management measures to—*

*(A) prevent the catcher vessels eligible under subsections (a), (b), and (c) of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the North Pacific Council as a result of fishery cooperatives in the directed pollock fishery; and*

*(B) protect processors not eligible to participate in the directed pollock fishery from adverse effects as a result of this Act or fishery cooperatives in the directed pollock fishery.*

*If the North Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the North Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation restrict or change the authority in section 210(b) to the extent the Secretary deems appropriate, including by preventing fishery cooperatives from being formed pursuant to such section and by providing*

*greater flexibility with respect to the shoreside processor or shoreside processors to which catcher vessels in a fishery cooperative under section 210(b) may deliver pollock.*

*(2) BERING SEA CRAB AND GROUNDFISH.—*

*(A) Effective January 1, 2000, the owners of the motherships eligible under section 208(d) and the shoreside processors eligible under section 208(f) that receive pollock from the directed pollock fishery under a fishery cooperative are hereby prohibited from processing, in the aggregate for each calendar year, more than the percentage of the total catch of each species of crab in directed fisheries under the jurisdiction of the North Pacific Council than facilities operated by such owners processed of each such species in the aggregate, on average, in 1995, 1996, 1997. For the purposes of this subparagraph, the term “facilities” means any processing plant, catcher/processor, mothership, floating processor, or any other operation that processes fish. Any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the*

*other individual or entity for the purposes of this subparagraph.*

*(B) Under the authority of section 301(a)(4) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(4)), the North Pacific Council is directed to recommend for approval by the Secretary conservation and management measures to prevent any particular individual or entity from harvesting or processing an excessive share of crab or of groundfish in fisheries in the Bering Sea and Aleutian Islands Management Area.*

*(C) The catcher vessels eligible under section 208(b) are hereby prohibited from participating in a directed fishery for any species of crab in the Bering Sea and Aleutian Islands Management Area unless the catcher vessel harvested crab in the directed fishery for that species of crab in such Area during 1997 and is eligible to harvest such crab in such directed fishery under the license limitation program recommended by the North Pacific Council and approved by the Secretary. The North Pacific Council is directed to recommend measures for approval by the Secretary to eliminate latent licenses under such program, and nothing in this subparagraph*



*shall preclude the Council from recommending measures more restrictive than under this paragraph.*

*(3) FISHERIES OTHER THAN NORTH PACIFIC.—*

*(A) By not later than July 1, 2000, the Pacific Fishery Management Council established under section 302(a)(1)(F) of the Magnuson-Stevens Act (16 U.S.C. 1852(a)(1)(F)) shall recommend for approval by the Secretary conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by this Act or by any fishery cooperatives in the directed pollock fishery.*

*(B) If the Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation implement adequate measures including, but not limited to, restrictions on vessels which harvest pollock under a fishery cooperative which will prevent such vessels from harvesting Pacific*

*groundfish, and restrictions on the number of processors eligible to process Pacific groundfish.*

*(d) BYCATCH INFORMATION.—Notwithstanding section 402 of the Magnuson-Stevens Act (16 U.S.C. 1881a), the North Pacific Council may recommend and the Secretary may approve, under such terms and conditions as the North Pacific Council and Secretary deem appropriate, the public disclosure of any information from the groundfish fisheries under the authority of such Council that would be beneficial in the implementation of section 301(a)(9) or section 303(a)(11) of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(9) and 1853(a)(11)).*

*(e) COMMUNITY DEVELOPMENT LOAN PROGRAM.—Under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), and subject to the availability of appropriations, the Secretary is authorized to provide direct loan obligations to communities eligible to participate in the western Alaska community development quota program established under 304(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)) for the purposes of purchasing all or part of an ownership interest in vessels and shoreside processors eligible under subsections (a), (b), (c), (d), (e), or (f) of section 208. Notwithstanding the eligibility criteria in section 208(a) and section 208(c), the LISA MARIE (United States official number 1038717)*

*shall be eligible under such sections in the same manner as other vessels eligible under such sections.*

***SEC. 212. RESTRICTION ON FEDERAL LOANS.***

*Section 302(b) of the Fisheries Financing Act (46 U.S.C. 1274 note) is amended—*

*(1) by inserting “(1)” before “Until October 1, 2001”; and*

*(2) by inserting at the end the following new paragraph:*

*“(2) No loans may be provided or guaranteed by the Federal Government for the construction or rebuilding of a vessel intended for use as a fishing vessel (as defined in section 2101 of title 46, United States Code), if such vessel will be greater than 165 feet in registered length, of more than 750 gross registered tons, or have an engine or engines capable of producing a total of more than 3,000 shaft horsepower, after such construction or rebuilding is completed. This prohibition shall not apply to vessels to be used in the menhaden fishery or in tuna purse seine fisheries outside the exclusive economic zone of the United States or the area of the South Pacific Regional Fisheries Treaty.”.*

**SEC. 213. DURATION.**

(a) *GENERAL.*—*Except as otherwise provided in this title, the provisions of this title shall take effect upon the date of the enactment of this Act. Sections 206, 208, and 210 shall remain in effect until December 31, 2004, and shall be repealed on such date, except that the North Pacific Council may recommend and the Secretary may approve conservation and management measures as part of a fishery management plan under the Magnuson-Stevens Act to give effect to the measures in such sections thereafter.*

(b) *EXISTING AUTHORITY.*—*Except for the measures required by this subtitle, nothing in this subtitle shall be construed to limit the authority of the North Pacific Council or the Secretary under the Magnuson-Stevens Act.*

(c) *CHANGES TO FISHERY COOPERATIVE LIMITATIONS AND POLLOCK CDQ ALLOCATION.*—*The North Pacific Council may recommend and the Secretary may approve conservation and management measures in accordance with the Magnuson-Stevens Act—*

(1) *that supersede the provisions of this title, except for sections 206 and 208, for conservation purposes or to mitigate adverse effects in fisheries or on owners of fewer than three vessels in the directed pollock fishery caused by this title or fishery cooperatives in the directed pollock fishery, provided such measures*

*take into account all factors affecting the fisheries and are imposed fairly and equitably to the extent practicable among and within the sectors in the directed pollock fishery;*

*(2) that supersede the allocation in section 206(a) for any of the years 2002, 2003, and 2004, upon the finding by such Council that the western Alaska community development quota program for pollock has been adversely affected by the amendments in this title; or*

*(3) that supersede the criteria required in paragraph (1) of section 210(b) to be used by the Secretary to set the percentage allowed to be harvested by catcher vessels pursuant to a fishery cooperative under such paragraph.*

*(d) REPORT TO CONGRESS.—Not later than October 1, 2000, the North Pacific Council shall submit a report to the Secretary and to Congress on the implementation and effects of this Act, including the effects on fishery conservation and management, on bycatch levels, on fishing communities, on business and employment practices of participants in any fishery cooperatives, on the western Alaska community development quota program, on any fisheries outside of the authority of the North Pacific*

*Council, and such other matters as the North Pacific Council deems appropriate.*

*(e) REPORT ON FILLET PRODUCTION.—Not later than June 1, 2000, the General Accounting Office shall submit a report to the North Pacific Council, the Secretary, and the Congress on the whether this Act has negatively affected the market for fillets and fillet blocks, including through the reduction in the supply of such fillets and fillet blocks. If the report determines that such market has been negatively affected, the North Pacific Council shall recommend measures for the Secretary's approval to mitigate any negative effects.*

*(f) SEVERABILITY.—If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.*

*(g) INTERNATIONAL AGREEMENTS.—In the event that any provision of section 12102(c) or section 31322(a) of title 46, United States Code, as amended by this Act, is determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party with respect to the owner or*

*mortgagee on October 1, 2001 of a vessel with a fishery endorsement, such provision shall not apply to that owner or mortgagee with respect to such vessel to the extent of any such inconsistency. The provisions of section 12102(c) and section 31322(a) of title 46, United States Code, as amended by this Act, shall apply to all subsequent owners and mortgagees of such vessel, and shall apply, notwithstanding the preceding sentence, to the owner on October 1, 2001 of such vessel if any ownership interest in that owner is transferred to or otherwise acquired by a foreign individual or entity after such date.*

### **TITLE III—DENALI COMMISSION**

#### **SEC. 301. SHORT TITLE.**

*This title may be cited as the “Denali Commission Act of 1998”.*

#### **SEC. 302. PURPOSES.**

*The purposes of this title are as follows:*

- (1) To deliver the services of the Federal Government in the most cost-effective manner practicable by reducing administrative and overhead costs.*
- (2) To provide job training and other economic development services in rural communities particularly distressed communities (many of which have a rate of unemployment that exceeds 50 percent).*

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 020703A]

**Proposed Information Collection; Comment Request; American Fisheries Act, Vessel and Processor Permit Applications**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).  
**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before April 14, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden at 907-586-7228, or at [patsy.bearden@noaa.gov](mailto:patsy.bearden@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

The American Fisheries Act (AFA) established an allocation program for the pollock fishery of the Bering Sea and Aleutian Islands Management Area (BSAI). Under the AFA, only vessels and processors that meet specific qualifying criteria are eligible to fish for and process pollock in the BSAI. The BSAI pollock quota is suballocated to groups of vessel owners who form fishing vessel cooperatives under the AFA.

All AFA vessel and processor permits have no expiration date and will remain valid indefinitely unless revoked by NMFS. Inshore catcher vessel cooperatives wishing to receive an allocation of the BSAI inshore pollock Total Allowable Catch (TAC) are required to submit an application for an inshore cooperative fishing permit on an annual basis by December 1 of the year prior to the year in which the

cooperative fishing permit will be in effect. The information must be collected once a year because NMFS must identify the universe of participating vessels and processors prior to the start of each fishing year in order to assign allocations of pollock TAC to eligible groups of vessels that form cooperatives.

**II. Method of Collection**

Paper forms are used.

**III. Data**

*OMB Number:* 0648-0393.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

*Estimated Number of Respondents:* 20.

*Estimated Time Per Response:* 2 hours for an application for an AFA catcher vessel permit; 30 minutes for application for an AFA Permit for Replacement Vessel; 2 hours for application for an AFA Inshore Catcher Vessel Cooperative Permit; 2 hours for an application for an AFA mothership permit; and 2 hours for an application for an AFA inshore processor permit.

*Estimated Total Annual Burden Hours:* 39.

*Estimated Total Annual Cost to Public:* \$59.

**IV. Request for Comments**

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 5, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 020703B]

**Proposed Information Collection; Comment Request; Highly Migratory Species Permit Family of Forms**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).  
**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before April 14, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Dianne Stephan, phone 978/281-9397; Highly Migratory Species Division, NMFS, 1 Blackburn Drive, Gloucester, MA 01930.

**SUPPLEMENTARY INFORMATION:****I. Abstract**

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), NOAA is responsible for management of the Nation's marine fisheries. In addition, NOAA must comply with the United States' obligations under the Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.). NOAA must collect information from dealers to monitor the import and export of bigeye tuna and swordfish in order to comply with international obligations established through membership in the International Commission for the Conservation of Atlantic Tunas (ICCAT). ICCAT has implemented a trade monitoring program for bigeye tuna and swordfish to discourage illegal, unregulated and unreported fishing activities as well as further understanding of catches and international trade for these species.